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(HANSARD)

Tuesday, June 5, 2012



The Honourable NOËL A. KINSELLA
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, June 5, 2012

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

CONGRATULATORY ADDRESS TO HER MAJESTY QUEEN ELIZABETH II ON ANNIVERSARY OF SIXTY YEARS OF REIGN

MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons, as follows:

Monday, June 4, 2012

RESOLVED,—

That an humble Address be presented to Her Majesty the Queen in the following words:

TO THE QUEEN'S MOST EXCELLENT MAJESTY:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's loyal and dutiful subjects, the House of Commons of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the sixtieth year of Your reign.

The People of Canada have often been honoured to welcome Your Majesty and other members of the Royal Family to our land during Your reign, and have witnessed directly Your inspiring example of devotion to duty and unselfish labour on behalf of the welfare of Your People in this country and in the other nations of the Commonwealth.

In this, the Diamond Jubilee year of your reign as Queen of Canada, we trust that Your gracious and peaceful reign may continue for many years and that Divine Providence will preserve Your Majesty in health, in happiness and in the affectionate loyalty of Your people.

ORDERED,—

That the said Address be engrossed; and

That a Message be sent to the Senate informing their Honours that this House has adopted the said Address and requesting their Honours to unite in the said Address by filling up the blanks with the words "the Senate and".

ATTEST

AUDREY O'BRIEN
The Clerk of the House of Commons

The Hon. the Speaker: Honourable senators, when shall this message be taken into consideration?

(On motion of Senator Carignan, message placed on the Orders of the Day for consideration at the next sitting of the Senate.)

SENATORS' STATEMENTS

DIAMOND JUBILEE MEDAL RECIPIENTS

Hon. Nicole Eaton: Honourable senators, it is not often that one has the opportunity to publicly thank 30 individuals who have given so much of themselves to their community and their country.

The Queen Elizabeth Diamond Jubilee offered each of us that opportunity. In every region, every province, every city and town, we have the honour to recognize someone's selfless work, passion and belief that one person does make a difference.

Last week I awarded my last medal. The decision of whom to recognize with this prestigious acknowledgment was hard for me, as I am sure it was for every one of us in this chamber. We have all been blessed with having met and worked with so many accomplished and deserving people, so it was with a great deal of humility that I presented the Queen's Jubilee Medal to 30 individuals who have dedicated their lives to Canada. From consummate volunteers to talented pedagogues and accomplished scientists, each has made life a little bit better, a little more comfortable, a little less stressful and a lot easier for another human being.

Permit me a moment to read their names into the record.

For volunteerism: Pamela Richardson, Gretchen Ross, Nancy Lockhart, Joan Thompson, Marian Bradshaw, Danielle Zion and John Carson.

For business and development: Mario Cortellucci and John Bennett.

For pedagogue: Loretta Rogers, Maria Rudko-Uchacz and James Carley.

For culture and the arts: Sandra Faire, Lynda Prince, Noreen Taylor, Diane Reitberger, Scott McFarland, Joseph Sorbara, Maxine Granvosky Gluskin and Sandra Rotman.

• (1410)

For medicine and science research: Dr. Robert Howard, Alayne Metrick, Dr. Andrea Laupacis, Dr. Arthur Slutsky, Dr. Andrew Baker, Dr. Ori Rotstein, Dr. Anthony Graham, Dr. Teodor Grantcharov, Dr. Guylaine Lefebvre and Ella Ferris.

Every one has built and continues to build our caring society and country through their service, expertise, contributions and achievements, and for that I thank them.

I wish all of them even greater success in their future undertakings. I know they will continue to make a difference with their inspiration and their compassion.

FRASER CANYON

Hon. Vivienne Poy: Honourable senators, on April 18, Senator Lillian Dyck and I were invited by the New Pathways to Gold Society to visit the historic Fraser Canyon, as mentioned in Senator Dyck's statement three weeks ago.

The board of the society consists of British Columbians who work towards reviving the historic sites and promoting heritage tourism in order to bring prosperity back to the region. Visitors can experience the 10,000 year-old history of the First Nations peoples, appreciate the tenacity of the European explorers and the trials and errors of the Hudson's Bay Company.

During the gold rush era, the canyon was flooded with American gold miners, and it also marked the beginning of Chinese settlement in the colony of British Columbia.

We toured historic Yale, where the history of the early gold mining days came to life — in the museum, the church, the graveyard, and among the ruins. The church kept a great record of the life of the town, which boasted a population of tens of thousands in its heyday, and had the best school for girls in the vicinity.

Having the opportunity to visit Tuckkwiowhum Heritage Interpretive Village, crossing the Fraser River in Hell's Gate Airtam, walking through Alexandra Bridge Provincial Park, meeting Chief Jim Hobart, and speaking to a number of the First Nations people from Spuzzum during lunch at their office were all eye-opening experiences for me.

We crossed the Fraser River on a two-car ferry attached by cables in Lytton, guided by a descendant of early settlers who showed us the area where the Chinese worked in the orchards, the farms and the gold tailings. There were Chinese characters, dating back more than a century, written on the rocks on the edge of the river.

The highlight of our heritage tour took place on April 20 when Senator Dyck and I had the honour of taking part in the cedar rope-cutting ceremony at the opening of the Tikwalus Trail.

The New Pathways to Gold Society was very fortunate that a satellite television company agreed to send a crew to film the visit. The program was aired for the first time two weeks ago.

I wish the society great success in bringing prosperity back to the people of the Fraser Canyon.

TIANANMEN SQUARE MASSACRE

TWENTY-THIRD ANNIVERSARY

Hon. Consiglio Di Nino: Honourable senators, yesterday, the twenty-third anniversary of the Tiananmen Square massacre, I was honoured to be present at the rededication of the Goddess of Democracy statue at York University in Toronto. This statute is a replica of the Goddess of Democracy erected in Tiananmen Square as a symbol of the struggle of tens of thousands of students who were peacefully demonstrating for democratic rights and freedoms in China.

On June 4, 1989, the Chinese government sent in the army to brutally put down this demonstration. During that night of infamy, not only did the People's Liberation Army — a misnomer for sure — tear down and trample the Goddess, they also massacred thousands of students.

This is what Minister Jason Kenney said, in part, in his message, which I read yesterday at the ceremony:

But just as the men responsible for the violence of that day grow older and weaker by the year, there are also signs that the Communist regime they supported is beginning to crack and show its age. Hope for a peaceful, democratic China is stronger than ever, and the dream of the students of Tiananmen Square may be closer than ever to becoming reality. I hope that the Goddess of Democracy will continue to inspire the "young heroes" of today, who refuse to accept that the proud Chinese people should continue to serve a bankrupt ideology, and who refuse to accept that the Chinese people do not deserve the fundamental rights that we take for granted here, in Canada.

In 1989, then Prime Minister Brian Mulroney hailed the students as "young heroes," saying to them:

Do not despair, victory must eventually be yours because liberty cannot be denied. . . . indiscriminate shooting has snuffed out precious human lives, but they can never snuff out the fundamental urge of human beings for freedom and democracy.

Honourable senators, the spirit of Tiananmen Square is alive and well in China, and I am convinced more than ever that the hopes and dreams of those "young heroes" will, indeed, be achieved.

Hon. Jim Munson: I thank Senator Di Nino for that statement. As he mentioned, yesterday was the twenty-third anniversary of the massacre in Tiananmen Square. As many of you know, I was there as a correspondent for CTV News. I witnessed the deaths of many young people. I will never forget that hot and muggy night, nor the heady days that led up to the horrible events on June 3 and 4 in 1989. History does not show that Beijing felt like a liberated city in those days. There were millions in the streets and they were not just students; there were doctors, teachers and everyday people from Beijing.

Today in China it is forbidden to speak about what really happened in and around the square, but I can speak and I will never stop speaking about an ugly footprint or tank marks on Chinese history. The images of dying students being placed on makeshift trishaws is etched in my memory. Sometimes in my dreams it does not seem real, but it was real. It was very real.

No one knows the number who were killed, but personally, honourable senators, I saw many die, dozens of bodies in city morgues. At that time the Red Cross believed a few thousand were killed. Recently, the former mayor of Beijing said in his memoirs that it is time for China to open the Tiananmen classified closed file.

We all know, and China knows, its leaders know, that time is long overdue. What is China afraid of? Is it afraid of the truth? I owe it to the families of those dead demonstrators. I owe it to those who are still living but who cannot speak. I owe it to those who survived. I owe it to those dissidents who in recent months have chosen to speak and are now in prison.

I have looked inside a Chinese prison. In fact, I spent a few days in a Chinese jail. It is not a very nice place. I owe it to a couple who, in fear, walked up to me on Beijing's main thoroughfare, Chang'an Avenue. As I raced into the square that evening, on June 3, as we did every evening, I was with my crew, and they said at that time — I will never forget their faces — "We want our voices heard. Please tell the world what is happening here."

It is not easy watching someone get crushed to death by a tank, and moments after, as the crowd moved back, the crowd looking at you. They all rose up as one and began to shout, "Long live democracy."

I will never forget, and, honourable senators, never should you.

[Translation]

NATIONAL MONUMENT OF NOTRE-DAME DE L'ASSOMPTION

ONE-HUNDREDTH ANNIVERSARY

Hon. Fernand Robichaud: Honourable senators, this year marks the 100th anniversary of the Notre-Dame de l'Assomption national monument in Rogersville, New Brunswick.

This provincial historic site is made up of an entrance arch, which commemorates the bicentennial of the deportation of the Acadians; an outdoor Stations of the Cross; a grotto; and a main building that houses a chapel.

It is also the resting place of the remains of Msgr. Marcel-François Richard, who was the strength and inspiration behind the construction of this monument. Msgr. Richard played a very important role in the Acadian Renaissance. He was an educator, a builder, a colonizer and a strong defender of the Acadian people.

He played a key role in the choice of the Acadian flag and Acadian national anthem.

• (1420)

Msgr. Richard also participated in the choice of August 15 as the national Acadian holiday and in the designation of Our Lady of the Assumption as the patron saint of Acadians.

It should come as no surprise that his zeal once again manifested itself in the construction of the national monument in 1912 in order to house a magnificent statue of the Virgin Mary that was donated by the Eucharistic Congress of Montreal two years earlier.

[Senator Munson]

Msgr. Richard wanted to create a place of worship and memory for the Acadian people. Even today, thousands of pilgrims from our region and elsewhere continue to assemble there.

I would like to offer my sincere congratulations to the organizers of this event, the mayor and councillors of Rogersville and all the staff and volunteers at the national monument — all those who worked together to mark the 100th anniversary of this Acadian meeting and gathering place.

May the 100th anniversary celebration of the monument on June 10 be a great success and serve as another testimony to the strength and pride of the Acadian people.

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT— 2011 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Office of the Privacy Commissioner of Canada for the period from January 1 to December 31, 2011, pursuant to the Personal Information Protection and Electronic Documents Act.

STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY

FIFTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

Hon. Dennis Dawson: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Transport and Communications, entitled *The Future of Canadian Air Travel: Toll Booth or Spark Plug?*

(On motion of Senator Dawson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

SENATE REFORM

NOTICE OF INQUIRY

Hon. Hugh Segal: Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to the reasons that democratic reform of the Senate is:

- (a) essential to Canada's future as a robust and effective federal state, with respect for fundamental freedoms and the supremacy of the rule of law;

- (b) reflective of the values of fairness, cooperation and confederation; and
- (c) consistent with the objective of providing pan-Canadian public policy at the federal level.

[English]

QUESTION PERIOD

ENVIRONMENT

ACCESS TO SAFE DRINKING WATER AND SANITATION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

In mid-June, world leaders, along with thousands of participants from governments, the private sector, NGOs and other groups, will come together at the United Nations Conference on Sustainable Development in Rio de Janeiro in order to shape how we can reduce poverty, advance social equity and ensure environmental protection.

With preparations for the conference under way, and after years of opposition, the Minister of the Environment has finally taken a long-awaited position in support of recognizing water as a basic, fundamental human right. While this policy shift is certainly welcome — in light of recent figures showing that 2.5 billion people do not have access to basic sanitation, causing more than 1.5 million deaths per year, and given the UN resolution declaring access to clean water as a human right — many observers still have strong reservations. They fear that these words will not necessarily be followed by action.

Will the government align itself with the international community and respect its legal obligations by formally recognizing water as a basic human right?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I will go back to the original conference in Rio: Our government has consistently had a record that is second to none when it comes to the environment and protecting the environment, including water.

I will not at this point in time seek to speak to the minister with regard to all of the policy areas that the minister will advance on behalf of Canada at the upcoming conference. I will take the question as notice and seek to receive from the minister a statement of intent.

As should be the case, the actions of the government will be as a result of the deliberations in which the minister participates in Rio, on behalf of the Government of Canada.

Senator Tardif: Am I to understand, then, that the Leader of the Government in the Senate is not willing or able to confirm at this point the minister's statement that Canada will recognize the right to safe drinking water and to basic sanitation? Is that correct?

Senator LeBreton: That is not correct, honourable senators. I just offered to provide for Senator Tardif a detailed statement of Minister Kent's position on behalf of the government as he prepares to represent the country at the summit in Rio. It will include Canada's position on water and sanitation.

Senator Tardif: I would certainly hope that our government will be moving forward on this. Canada is being criticized because our country has not been supportive of the right to water. Many nations are publicly condemning Canada's stance, and that was done on World Water Day. Therefore, I would hope that we will be moving forward on this.

Senator LeBreton: I thank the honourable senator for her comments. Conservative governments are very used to various people in this field criticizing the government. I remember that, when I was part of the Mulroney government, hardly a day went by that Mr. Mulroney and the government were not being roundly criticized for the various policy positions taken on the environment. After the fact, when Mr. Mulroney was no longer in office, he was honoured as the greenest prime minister this country has ever had.

ENVIRONMENTAL RESEARCH AND PROTECTION

Hon. Mac Harb: Honourable senators, my question is for the Leader of the Government in the Senate.

The government is closing the world-renowned Experimental Lakes Area in northern Ontario. For 55 years, the ELA has been the only facility in the world conducting ecosystem experiments into the effects of environmental change and pollution on aquatic ecosystems. For example, scientists led by David Schindler, discovered that phosphate in household products was causing algae blooms. This discovery led to worldwide changes in ingredients for these products and transformed the water quality in the Great Lakes.

Why is the government throwing away a critical tool for finding the most cost-effective solutions to national and international environmental issues? Also, will the leader tell the government to reverse its position and reinstate funding for the ELA?

Hon. Marjory LeBreton (Leader of the Government): The government absolutely will not.

As the honourable senator quite rightly points out, successive governments in the area of the environment have taken positive steps to improve the quality of our air and our water. With regard to the changes the government is making now to all of these various aspects, the ministers have appeared before the committee. All of the changes that the government is making are to improve the situation, not to make it worse. Obviously, honourable senators, we believe all the things that we are doing are in the best interests of the country, our economy and our growth. Certainly, the changes we are making are long overdue. As in every area of the government, policies that may have been set 30, 40 or 50 years ago may no longer be relevant to the needs of today. Some of these aspects have been in place for many decades.

• (1430)

Senator Harb: Honourable senators, good try.

There appears to be a widespread, ideologically driven effort by this government to undermine the environmental regulatory regime in Canada, paving the way, in the opinions of many, for unfettered resource exploitation. It is believed that pushing scientific fact out of the way is a necessary part of this larger plan.

The plan includes killing the National Round Table on the Environment and the Economy; gutting the Canadian Environmental Assessment Act; shutting down Canada's team of smokestack pollution specialists; ending funding for, among other things, the United Nations Environment Programme and the Canadian environmental technology centres; and shutting down the urban wastewater technology research program, the air pollution and air quality research programs and the environmental research and management elements of the Fisheries Act.

Senator Tardif: Shame!

Senator Harb: If that is the record the Leader of the Government in the Senate is trying to defend, will she stand up for the interests of Canadians and defend the interests of the Canadian public?

Some Hon. Senators: Hear, hear!

Senator LeBreton: The honourable senator did a good job of reading the opposition day motion in the other place.

First, on the National Round Table on the Environment and the Economy, I think I have explained this in the Senate before. I was there when we set this body up in 1988. It has lived long past its usefulness. At the time it was set up there were limited sources of policy advice on the environment. Today, of course, there is no shortage of advice, and we have many organizations, in our universities in particular, providing advice and research. Therefore it is no longer necessary to have a body such as the National Round Table on the Environment and the Economy.

With regard to the others areas that the honourable senator mentioned, we have made historic investments in science, technology and research. Obviously, all of those contribute to creating jobs, growing our economy and improving the quality of life for Canadians.

Canada leads the G7 when it comes to investments in post-secondary research. Canada's Economic Action Plan 2012 invests in independent science and research, including funding for the Canadian Foundation for Innovation (CFI), Genome Canada and the Canadian Institute for Advanced Research (CIFAR).

Unfortunately, over in the other place, although the opposition has a motion to this effect today, the opposition has consistently chosen to vote against all of those measures as they have been presented in various budgets.

Senator Harb: Honourable senators, I understand that the leader is reading the talking points of the government. It is almost like turning the Senate into the mockingbird of the government.

The truth is that this government is planning to wipe out 50 years of environmental protection, moving from simply ignoring environmental concerns to an outright assault on them. This government, honourable senators, has taken the approach of being anti-science because it believes that by pushing science away, it can get away with just about anything.

Honourable senators, in the budget that the leader spoke about, the government slashed funding for environmental protection programs and weakened environmental laws without any consideration whatsoever for discussion, for science or even for reaction from the public.

Senator Stratton: Louder. A little louder.

Senator Harb: In light of the outcry of the scientific community that unanimously calls on this government to do the right thing, can the Leader of the Government in the Senate tell us whether the government is acting out of ignorance, malice, general dislike for science or all of the above?

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, it could have been worse. Instead of Senator Harb, we could have had Maude Barlow. He actually did defeat her for a Liberal nomination.

The fact of the matter is the honourable senator's comments are inappropriate, out of order and insulting. All of the things that the honourable senator accuses the government of are totally false. We have an outstanding record on the environment.

We are committed to the various scientific research projects that we committed to. As a matter of fact, honourable senators, programs that were established decades ago obviously need to be reassessed, and any government would do that, no matter who is in government. Many of the programs have outlived their usefulness. Technology has changed; needs change; and different people contribute to the pool of information and data that we get as a government. Just because a program was set up years ago does not necessarily mean that it is serving a purpose now.

To move to other sources for scientific research, including our universities, and expending the amount of money that we do would not indicate anything other than a strong support for all of the work we are doing in scientific research and on the environment.

Senator Harb: Honourable senators, I want to take the leader at her own words, that an assessment was done. Would the leader undertake today, in this chamber, to table in the Senate the assessment that was undertaken by the government with regard to the ELA? Would she undertake to do that?

Senator Stratton: Louder.

Senator Harb: If that is true, and if not, well, she had better stand up for what is right.

Senator LeBreton: Honourable senators, there is no need for the honourable senator to shout and make baseless accusations.

I will put on the record again, if the honourable senator would care to check the facts instead of getting involved in overblown rhetoric, that our government has made important new investments in science and technology in Economic Action Plan 2012. Obviously, our goal in everything we do in science and technology and the environment is to assist the economy, create jobs and improve the quality of life for Canadians.

As I pointed out, this included new funding for Genome Canada, the Industrial Research Assistance Program, the National Research Council, the Canadian Foundation for Innovation and many more.

In fact, honourable senators, I would hardly accuse this body of being ideologically driven: The Association of Universities and Colleges of Canada said that it welcomed the “smart, strategic investments in research and innovation” in our budget.

The honourable senator should take his cue from the universities and colleges of Canada and support these wonderful initiatives.

Some Hon. Senators: Hear, hear!

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT INSURANCE—BOARDS OF APPEAL

Hon. Jane Cordy: Honourable senators, hidden in Bill C-38 we find the government’s plan to eliminate the regional Employment Insurance Board of Referees and umpires and replace them with a 74-member tribunal. This new Ottawa-based tribunal will be charged with hearing Employment Insurance, Canada Pension Plan and Old Age Security appeals.

Of the 74 members of the tribunal, only half, 37 members, will be dedicated to deal with Employment Insurance disputes.

Last year, nearly 26,000 Employment Insurance appeals were heard. This government claims that the current appeal system is costly, slow and inefficient. How is the new Ottawa-based system going to make the appeal system faster and more efficient?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the honourable senator answered the question and gave the reason why the government changed this particular structure.

• (1440)

Senator Mitchell: Finally you got an answer to this.

Senator LeBreton: This applies to a whole host of other areas, but we live in an era of new technologies. The old system, which has been in place for quite some time, is costly, inefficient and does not provide the services that are required. Therefore, in this new age of technology, where people have a whole new way of communicating with the government, it was felt that this particular body had outlived its usefulness, like so many other government programs. The recipients of Employment Insurance, the government and the taxpayer, most importantly, who pays for all of this, will be much better served by this new regime.

Senator Cordy: Honourable senators, on the one hand, we have changed it now so that people have to use computers more, but, on the other hand, the government is closing the Community Access Program sites. We know that 54 per cent of those who are of low income have access to computers. However, many low-income people have no access to computers, CAP sites are closing and yet we are making everything supposedly more efficient.

I ask the leader this: How will it be faster and more efficient? To date, it is taking 30 days from the time a person applies for an appeal until the appeal is heard, and they receive their response to the appeal in less than a week.

Is the leader telling me that with 26,000 EI appeals being heard per year, that 37 people will be able to hear those appeals within 30 days and have an answer within one week?

Senator LeBreton: Honourable senators, like all of the changes that are being made, obviously the government is not making these changes to cause any difficulty for people. There are still offices and systems in place to deal with people who do not have access to a computer.

As with a lot of things in the budget, much of what we are trying to do with this budget and with the budget implementation bill is to streamline the process, make it more efficient and provide better services. The government wants to ensure that those people who are in need of services of the government have them readily available. We would not do anything to cause difficulty for anyone who wants to access the services they require.

Honourable senators, like many other changes we are making, I know there is resistance; people want to leave the same program in place year after year, inefficient as it may be. We, however, are trying to provide good service at reasonable cost and with timely access. I believe that once these changes have been implemented, people will realize this, just like they realized it about the census, for instance. For all the squawking and screaming about it, we received good data from the census. It turned out to be a very good move. We received good information from the long-form census.

Senator Cowan: Who says that?

Senator LeBreton: Like a lot of these things, there is a lot of squawking in advance. Let it work and I think honourable senators will find when we are back in the fall that some of these things people were anticipating as disaster will be anything but.

Senator Cordy: Honourable senators, I would have to say that the jury is still out on whether or not the census information is as accurate as it had been in previous years.

The minister said the government is making changes and not causing any difficulty for people. I would say that those people from whom I am hearing relating to the changes in Employment Insurance are very concerned. They will have great difficulty with what will happen.

The current system allows for appeals to be heard by three-person panels. One person on the panel represents the workers; one person represents business or employers; and one person represents the

government. They are familiar with regional circumstances and with members of the community. By cutting the board of referees and relocating all the decisions to Ottawa, the government is ignoring the regional expertise of these panels in favour of a more technical and formal process.

Those who want to appeal their decisions now come before the board of referees and do not need a lawyer. In fact, the board of referees prefers that they do not have a lawyer. They just want to hear the person's story: What happened? What are the circumstances involved? Why do they feel that they should be receiving Employment Insurance benefits that have been denied to them?

Will persons who wish to appeal their Employment Insurance claims under this new system be required to hire a lawyer to handle their appeals?

Senator LeBreton: I think that is not the case. For every 100 people who will be well-served by the new system, Senator Cordy points out the one or two that may not be. I will be happy, honourable senators, to outline the scenario that Senator Cordy outlined as to what programs are in place to assist such an individual.

Senator Cordy: Would the leader also check if currently, as I said earlier, appeals are being handled within 30 days from the time of the request made for the appeal? The decisions are then brought back to people within one week. I know the decisions are actually made on the day of the hearing by the board of referees and are mailed out either that day or the next day.

Would the leader also ensure that these decisions and responses to the decisions will be delivered in, hopefully, less than 30 days and less than one week? If the suggestion is that the decision has been made to make the system faster and more efficient, that would mean appeals would be heard in less than 30 days and the decision will get back to the claimant in less than one week.

Senator LeBreton: First, honourable senators, let us hope that through the changes we put into place in our efforts to provide more information to people who are unemployed, that they will have access to a lot more information with regard to where they may find employment. Let us hope that these changes will be for the benefit of the vast majority of Canadians who have need for access to the Employment Insurance program, and I have every confidence in that.

I would be happy to get any further details that may be available for the honourable senator.

ROYAL CANADIAN MOUNTED POLICE

STAFF SERGEANT DONALD RAY

Hon. Grant Mitchell: Honourable senators, Staff Sergeant Donald Ray of the RCMP was recently — this has just become public — convicted by an RCMP tribunal of exposing himself while wearing an RCMP uniform in an RCMP office to women under his command, RCMP personnel.

This is, by any other definition, a criminal sex offence and he is a criminal sex offender, and common criminal sex offenders are put on a registered sex offender list. Has this tough-on-crime government given any thought of putting Staff Sergeant Donald Ray on a criminal sex offenders list so the public can be protected from him?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, obviously, I cannot comment on this particular individual case. The honourable senator is aware that the government has taken steps. We have a new Commissioner of the RCMP who has warned us that there are probably quite a number of unpleasant events and stories yet to be reported.

The government is seeking to change the law so that the Commissioner of the RCMP has much greater leverage in dealing with situations such as the one the honourable senator just cited.

Senator Mitchell: Honourable senators, it strikes me that with a little creativity the Commissioner of the RCMP could be encouraged by the minister — or even by Mr. Harper, the tough-on-crime Prime Minister of Canada — to draw some restrictions perhaps on what this sex offender Sergeant Ray can do. For example, has anyone given any thought to restricting him perhaps from approaching within a certain distance of playgrounds where children play? Has anyone suggested there be restrictions on whether or not he can have women under his command? He is still a sergeant and he still has authority over personnel, one would presume. Can the leader confirm that maybe they will take some steps to restrict his behaviour a little bit?

Senator Munson: Anyone else would be fired.

Senator LeBreton: Honourable senators, if the government were ever to interfere directly with the operations of the RCMP, or if the government were to call the commissioner and make suggestions such as Senator Mitchell just made, the senator would be the first one on his feet accusing the government of interfering with the independence of the RCMP.

• (1450)

I say again, I think RCMP Commissioner Paulson is a responsible individual. In appearances before parliamentary committees, he has made it clear that he must deal with some serious issues within the RCMP. I pointed out that the government is bringing forward legislation to give the commissioner more powers. We know that Commissioner Paulson put out a letter outlining many of his concerns. I dare say that it would be in the interest of us all to support RCMP Commissioner Paulson as he works his way through what is obviously a difficult time for the RCMP.

Senator Mitchell: It would be in the interest of all of us, particularly women who were harassed in that organization, that the minister and the Prime Minister at least show some interest in this and perhaps ask a few questions.

For example, has anyone asked the question of Commissioner Paulson why Sergeant Ray was not charged criminally in the first place so that he could have appeared before a criminal court, could have been convicted and been relieved of his job in the

RCMP, or did they not charge him criminally because they did not want the choice of firing him? They wanted to keep him no matter what?

You can do something; you have power; why not do something?

Senator LeBreton: The statements from the honourable senator in this chamber show his strongly-held views. The honourable senator would understand that the RCMP operates independent of government.

The actions and work that the commissioner and the RCMP have done thus far clearly indicate that he is well seized of the problem. He has warned us all that many such stories are yet to come. It would be prudent if we all supported the Commissioner of the RCMP in implementing what will be a difficult task.

Senator Mitchell: If one commits a criminal offence in the RCMP, one is sent to B.C., but we do not know where. Has the government taken any steps to warn the people of the communities in which he serves that they have a criminal sex offender in the police, in uniform, in RCMP cars, in their communities. How much security can they have when he walks up to their car to say maybe they have been speeding or doing something they should not have? How much protection can they feel they will get from that guy, and why will they not be told?

Senator LeBreton: Again, I rather suspect I know where the honourable senator's line of questioning is going. The Commissioner of the RCMP has absolutely indicated that the RCMP must have the confidence of the public it is supposed to protect.

Senator Mitchell: Well, they do not.

Senator D. Smith: Why should they in this case?

Senator LeBreton: Obviously this conduct by members of the RCMP must be dealt with by the commissioner.

Senator Mitchell: Suspend him with pay if you have to. It is an embarrassment.

Senator LeBreton: I would suggest that the RCMP commissioner is doing everything he can to improve the situation in the force.

Senator D. Smith: We are suggesting it should be fixed.

Senator LeBreton: The very day he was named Commissioner of the RCMP, Mr. Paulson acknowledged the significant difficulties and many challenges he faces in restoring public confidence in the RCMP. I do believe, honourable senators, it is in the interest of us all to let Commissioner Paulson do his job.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the response to an oral question raised by Senator Mitchell on March 13, 2012, concerning discipline in the RCMP.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE

(Response to question raised by Hon. Grant Mitchell on March 13, 2012)

Pursuant to the Royal Canadian Mounted Police Act, an Adjudication Board is a quasi-judicial body that is appointed to hear cases relating to formal discipline. The Adjudication Board is comprised of three commissioned officers, at least one of which must be a graduate of a school of law recognized by the law society of any province. An Adjudication Board hearing is conducted in public, and parties to the hearing are afforded a full and ample opportunity, in person or by counsel, to cross-examine witnesses and to make representations at the hearing.

In the particular case referred by the Honourable Senator, while an oral decision has been rendered, the Adjudication Board's full written decision has not been issued. Depending on the length and complexity of the case, written decisions are normally released within three to four months upon conclusion of the hearing. As the written decision has not been released, it would be inappropriate to comment further.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

ENVIRONMENT—ECONOMIC MODELING OF CLIMATE CHANGE IMPACTS

Hon. Claude Carignan (Deputy Leader of the Government) tabled the response to Question No. 31 on the Order Paper — by Senator Mitchell.

TRANSPORT—INCREASED NUMBER OF CRUISE SHIPS IN THE CANADIAN ATLANTIC

Hon. Claude Carignan (Deputy Leader of the Government) tabled the response to Question No. 32 on the Order Paper — by Senator Downe.

[English]

ORDERS OF THE DAY

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on May 31, 2012, the Honourable Senator Ringuette raised the question about the fact that the National Finance Committee had met at the same time as the Committee of the Whole considering Bill C-39. A similar objection was raised on March 14, 2012, when a Committee of the Whole was considering Bill C-33 at the same time a meeting of the Banking, Trade and Commerce Committee was scheduled.

[Translation]

This complaint involves conflicting priorities, obligations, and preferences, a feature that often confronts us as parliamentarians. In this case, for this matter to have merit, it would be necessary to establish that the sitting of the Senate, the Committee of the Whole, or the standing committee was in any way irregular.

[English]

In the normal course of events, the standing and special committees are not permitted to sit when the Senate is sitting, according to rule 95(4). Rule 4(j)(ii) clearly defines a sitting as starting after prayers and ending with adjournment, so this prohibition holds when the Senate is sitting, when a Committee of the Whole is meeting, or when the Senate is suspended for the dinner break. Exceptions to rule 95(4) occur, however, when committees are given permission to meet even though the Senate may be sitting.

[Translation]

With respect to the concern raised on March 14, that day was a Wednesday, and under the order adopted by the Senate on October 18, 2011, committees scheduled to meet after 4 p.m. on a Wednesday can do so, even if the Senate is sitting. The more recent incident of May 31 related to a meeting of the National Finance Committee dealing with the subject-matter of Bill C-38. The order of the Senate of May 3, specifically authorized the National Finance Committee to meet while the Senate was sitting, also suspending the application of rule 95(4).

[English]

Without the special permissions granted by these motions and authorizing a suspension of rule 95(4), Senator Ringuette's objection would be well-founded. The Senate had, however, adopted such motions, leaving it to the discretion of the committees involved as to how and when the power to sit despite rule 95(4) would be used. That is, if the committee involved preferred not to sit while the Senate is sitting — including when a Committee of the Whole is meeting — they had the right not to sit. If, however, the committee chose to sit, they were allowed to do so. In such circumstances, it is a matter for individual senators whether they wish to attend the committee or the proceedings in the Senate Chamber.

[Translation]

The committees in question exercised powers granted to them by the Senate.

• (1500)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— CONSIDERATION IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole on the consideration of the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Revised Rules of the Senate*), presented in the Senate on November 16, 2011.

[The Hon. the Speaker]

(The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Donald H. Oliver in the chair.)

The Chair: Honourable senators, pursuant to the order adopted by the Senate on May 17, 2012, the Senate is resolved into a Committee of the Whole to consider the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament.

The pages can give you copies of the *Journals* containing the report.

The business of this Committee of the Whole shall be conducted according to the following schedule:

During the initial portion of the meeting, the committee shall consider chapters five, six, seven, eight, and nine of the First Appendix of the report for a maximum of one hour.

During the second portion of the meeting, the committee shall consider chapters ten, eleven and twelve for a maximum of one hour.

Honourable senators, rule 83 states that:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

The Chair: As I did last week, I would ask senators who intend to propose amendments to any of these chapters to do so now, if they wish.

[English]

The final consideration of the amendments will be suspended until we are disposing of the appropriate chapter. This will ensure that the committee is seized of the amendments should we run out of time.

After receiving the amendments, we will then proceed to debate the chapters. After having debated the chapters, we will deal with the motions necessary to dispose of them.

Honourable senators, are there any amendments, and is there any debate on Chapters Five to Nine?

Senator Tardif: I wish to propose an amendment to chapter 9, and I would like to ask the pages to distribute the amendment to all senators.

Based on discussions I have had with colleagues on both sides, I believe there to be a general sense of agreement with respect to this amendment. I would refer my honourable colleagues to Chapter Nine, which addresses voting.

Proposed new rule 9-6(2) is an attempt to clarify the final portion of present rule 66(3), which provides for a 15-minute bell for most non-debatable motions. New rule 9-6(2) specifies that when a standing vote is to be held on a non-debatable motion, the bells shall ring for 30 minutes.

At present, the normal practice of the Senate is to have a 60-minute bell if a standing vote is requested on a motion, regardless of its nature, debatable or non-debatable, unless the two caucus whips otherwise agree and then the Senate gives leave accordingly.

Since the changes to the voting rules were brought in, in 1991, it has been the unbroken practice in the Senate for the bells to ring for 60 minutes on all standing votes, even on non-debatable motions, unless otherwise agreed to. In fact, this practice has never been appealed to the Speaker and the Speaker has never made a ruling concerning the possibility of there being only 15-minute bells for non-debatable motions.

I think what has happened here is that, instead of changing the rules to reflect existing practice, the opposite has taken place. Existing practice is being replaced by a new-found interpretation of a rule that has never been applied.

In its report, the Rules Committee stated that the objective of the revision was to clarify the rules while avoiding significant changes in content. I would argue that proposed new rule 9-6(2) represents a substantive change.

For the reasons I have stated, I move:

That chapter nine of the First Appendix of the report be not now adopted but that it be amended by:

- (a) renumbering rule 9-6(1) as rule 9-6, at page 74 of the Appendix (page 490 of the *Journals of the Senate*);
- (b) deleting rule 9-6(2), at page 75 of the Appendix (page 491 of the *Journals of the Senate*); and
- (c) updating any cross-references in the report and its appendices, including the lists of exceptions, accordingly.

The Chair: Honourable senators, it has been moved by Honourable Senator Tardif, seconded by Honourable Senator Carignan, that Chapter Nine of the First Appendix of the report be not now adopted but that it be amended by — shall I dispense?

Some Hon. Senators: Dispense.

The Chair: Honourable senators, this matter is this now lawfully before the Committee of the Whole. Is there debate?

Senator Stratton: Question.

Senator Joyal: Could the honourable senator provide additional explanation as to why she feels it is appropriate to propose the amendment, so that we know why we are accepting it?

Senator Tardif: Honourable senators, I think I have stated that. However, certainly I can again say that the standing practice has been to have a 60-minute bell. That has been the case since 1991. No distinctions have been made on that for debatable motions and non-debatable motions, except, of course, for a deferred vote, which has been a 15-minute bell. I think we should maintain the existing practice. This is not a technical change, but it is a fairly substantive change, and I think we should maintain the 60-minute bell. The whips can always agree that it will be a lesser amount of time.

Senator Joyal: That was going to be my second comment. The whips can always agree that it be a shorter period. It is the maximum period that we are maintaining in the rules.

Senator Tardif: That is correct.

Senator Kenny: Honourable senators, it seems to me that one of the important considerations on the length of any bell is whether senators can get here. If one goes back to 1991, there were relatively few senators in the Victoria Building then. To get from there to here is sometimes difficult if one does not allow a fair amount of time. Honourable senators might want to reflect on whether all of their members could arrive here in time to exercise their right to vote.

Senator Stratton: I think we just did that.

The Chair: Is there further debate?

Honourable Joan Fraser, Senator, The Senate of Canada: In response to Senator Kenny's point, which is a real one, the difficulties of getting here, particularly in winter, from the Victoria Building are well known and have created problems in the past. However, as written, this proposed amendment would allow the whips to determine a duration of the bells that would allow for people to get here from the Victoria Building. This may not explicitly address that question, but it certainly allows for the whips to make that determination.

Senator Robichaud: Question.

The Chair: Honourable senators, in this first hour, we are dealing with Chapters Five, Six, Seven, Eight and Nine. Is there any more debate on these chapters?

Senator Cools: Mr. Chairman, I have an amendment to make on rule 5-7.

• (1510)

I move:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 5, section 5-7,

(a) on page 47, by adding the following after paragraph (i):

“(j) raising a question of privilege”; and

(b) on pages 47 and 48, by re-lettering paragraphs (j) through (p), and any cross-references thereto, as paragraphs (k) through (q) accordingly.

The Chair: It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Moore, that the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted — shall I dispense?

Some Hon. Senators: Dispense.

The Chair: This motion is now before the Committee of the Whole.

Senator Cools: Mr. Chairman, this amendment will repeal rule 59(10). Perhaps we should put on the record what 59(10) is. Rule 59 is a classification of all those motions that require no notice to be moved. In other words, they may be moved forthwith. Rule 59(10) — and if I may connect it — is the most important and highest of our rights in respect of our privileges.

Perhaps I could begin by citing the last clause of rule 59. The point I am trying to make here is that this rule has been in our rules for well over 100 years, and it takes some thought to simply repeal it. If we look to the last item in that rule 59(18), it says:

(18) Other motions of a merely formal or uncontentious character.

To make the point, I would like to cite Arthur Beauchesne in his 1927 annotations *Parliamentary Rules and Forms of the House of Commons of Canada* at page 117:

As a general rule every motion proposed in the House requires notice unless it is of a formal or uncontentious character, or raises a question of privilege.

Mr. Chairman, I am saying that until recently, genuine and valid motions of privilege were viewed as of an uncontentious character and were always supposed to be moved without notice.

Mr. Chairman, I would like to give a bit of what I call the pedigree of this motion. This is a rarely, almost never-used rule, and rightly so. It represents the ancient law and ancient privilege which commands that the first duty of senators is to uphold their privilege, that urgent motions for questions of privilege take priority, and that in certain defined and appropriate circumstances senators have an inalienable right and privilege to move such motions immediately without Notice of Motion.

Mr. Chairman, that rule, as it is articulated now, was first classified in 1906 when, as a result of a special committee on the operation of the rules, colleagues decided to classify all motions by notice; in other words, those requiring two days' notice, those requiring one day's notice and those requiring no notice. As you can see, rule 59(10) has been deleted from the new equivalent rule, which is 5-7. I believe it has been deleted in a most unfortunate

way. In a very serious way, I want to call the attention of honourable senators to the fact that our privilege, that privilege, cannot be repealed by any Senate rule. That is a privilege granted to us, and by us by our Letters Patent. It is an inalienable privilege.

It seems that many people do not even understand that rule 59(10) is about a motion to put a question of privilege before the house. In actual fact, there has not been a debate on a question of privilege in this house for many years, that is a debate on a motion in respect of privilege. I lay that out by way of introduction.

Let us understand that the House of Commons' equivalent still stands in the very same language as it did 150 years ago and as it did in the legislative assembly. House of Commons Standing Order 48(1) states:

Whenever any matter of privilege arises, it shall be taken into consideration immediately.

The Senate also had such a rule in our rules since pre-Confederation, and did so in the old Legislative Council of the United Province of Canada.

Honourable senators, I am talking about the need for a motion on privilege in very rare circumstances. However, I would submit that those circumstances were present at the last Throne Speech when that young page unfortunately engaged in the most unfortunate and regrettable behaviour. Rule 59(10) is the motion to address those kinds of circumstances. I will repeat the circumstances for using rule 59(10): They are, affecting the Senate or senators directly, recently or suddenly arising, and needing an urgent Senate motion to take action to remedy, correct or resolve.

Rule 59(10) is not well known to senators. It has been invoked twice here in the last many years and on both occasions neither senator seemed to be really aware of or understand the rule that they were relying upon not knowing that they needed to move a motion.

Let us understand what rule 59(10) is all about. This rule is about that full phenomenon of this house being able to defend itself. It is all about this power — the contempt power as well — which defines Senate independence. That motion, in the appropriate circumstances, engages the plenitude of the Senate's inquisitorial, penal and judicial powers. It is a motion to be invoked rarely, but when those circumstances are there, there must be a rule that allows for it.

Mr. Chairman, it broke my heart when I sat and watched those circumstances at the last Throne Speech. Fortunately, they turned out to be benign, but similar circumstances could have been much more malevolent. I understood clearly that if I rose to move a motion, for example to authorize His Honour to take whatever action he had to take in respect of the matter, that no one would have understood what I was doing.

I sincerely believe that the proponents of this repeal of rule 59(10) misunderstand the rule. This is the fifth time in five years that a Rules Committee report has come to this Senate to repeal this very

same rule 59(10). Four times I stopped it. Each time a report would come back and, without explanation, it would just reappear, and each time no senator debated it or understood it.

The Chair: I must tell the honourable senator that her 10 minutes is up on this motion and I have other senators who wish to debate this motion.

Honourable senators, I would like to advise you that for the discussion of numbers 5, 6, 7, 8 and 9, where the Senate has allocated an hour for us to be heard, we have until 3:58 p.m. to deal with 5, 6, 7, 8 and 9.

I now call on Honourable Senator Carignan, followed by Honourable Senator Tardif.

• (1520)

[Translation]

Honourable Claude Carignan, Senator, The Senate of Canada: I am glad that Senator Cools raised that point. We too are aware of the importance of questions of privilege. They are so important that we have suggested devoting an entire chapter to them, Chapter 13, wherein we propose a clear way to deal with questions of privilege. Questions of privilege must be raised at the earliest opportunity. Some situations, including those listed in Chapter 13-5, which states that:

If a Senator becomes aware of a matter giving rise to a question of privilege either after the time for giving a written notice or during the sitting, the Senator may either:

(a) raise it during the sitting without written notice . . .

Or delay raising it and give notice, as described in paragraph (b).

We are having discussions about this specific rule with the opposition, regarding when to raise a question of privilege. We are now discussing the possibility of amending parts of this rule to better reflect the importance of questions of privilege.

I would suggest that we reject this amendment for now and talk about it again next Tuesday when we study Chapter 13 and questions of privilege to consider whether the amendment proposed by Senator Cools is valid.

I therefore suggest that we reject this amendment for now and take it up again when we study Chapter 13 next Tuesday. We get the idea behind her amendment, so that will no doubt fuel our discussions with a view to achieving a formulation for Chapter 13 that I hope will satisfy all senators.

Senator Tardif: I was about to say much the same thing as Senator Carignan. Given that Chapter 13 is about questions of privilege and that Senator Cools' proposed amendment is about questions of privilege, I suggest we take it up again next week.

[English]

The Chair: Honourable senators, we are back on Chapters Five, Six, Seven, Eight and Nine.

Senator Cools: I did not realize we could raise other chapters that are outside those prescribed chapters. I thought we were confined to chapters right up to Chapter Nine. I did not realize we could step outside to speak to later chapters.

The Chair: I said several times that we are now dealing with Chapters Five, Six, Seven, Eight and Nine.

Senator Cools: Is Chapter Thirteen before us? Can we speak to it now? I do not know. Is it before us?

Some Hon. Senators: No.

The Chair: What is before us are Chapters Five, Six, Seven, Eight and Nine. Our time for debating them will expire at 3:58 this afternoon.

Senator Cools: Mr. Chairman, I was not speaking to Chapter Thirteen. I am quite aware of and very well studied on Chapter Thirteen. I am sorry to say this, but Senator Carignan has fallen into the trap that many senators have.

Rule 59(10) is a totally different proposition from those in Chapter Thirteen. The rule I am proposing for reinstatement is this ancient rule. I would like to put some more authorities on the floor. I can wait until another time. I am sure I can do it, but Chapter Thirteen is all about what we call the Senate Speaker's prima facie role. I would like to say — I might as well say it now, as then — that rule 59(10) is about moving motions, which is how one puts a question before the house for full debate. Rule 59(10) is based on each and every senator's powers and individual privileges to move such a motion directly before the house.

Chapter Thirteen is not about that at all. Chapter Thirteen is about the process of prima facie. Someone has confused — and we know who it is, and I can cite the committee meeting where it happened — the meanings of the word "notice." The term "notice" in this rule 59 is about notice for a motion. The term "notice" in Chapter Thirteen is not about moving a motion directly; it is all about a prima facie process.

Let us understand, Mr. Chairman, and if I can just provide an example of this, during the time of a Speaker's prima facie ruling there is no question before the house. The prima facie process and notice is from an individual senator to the Speaker for a private supplication by which the senator is asking the Senate Speaker as a suppliant to rule on prima facie. Let us understand the difference in the two. It is an entirely different process. During that process, colleagues, senators have no right in respect of their own privileges to speak as of right in that exchange. In fact, senators are all supplicants to the Senate Speaker. This particular Senate Speaker, Senator Kinsella, the incumbent, has been very fair and just in granting senators the ability to speak. This comes from his own natural proclivity for justice and fairness in human affairs.

My point is that Senate Speakers have no duty to allow senators to speak in that exchange. There is no duty to do so. Senators speak by the indulgence of the Senate Speaker. Some Senate Speakers have not been as generous as Senator Kinsella has been, and there is no duty to do so.

I will read one of the annotations from our 1994 *Companion to the Rules of the Senate of Canada* — on the prima facie process at page 123: . . . the Speaker will determine whether

a *prima facie* case of privilege has been made out. In doing so, arguments from other senators may be received. In accordance with rule 18(3), the Speaker shall determine when sufficient argument has been adduced to decide the matter and shall so indicate to the Senate, but may reserve a decision.

Let us understand clearly there is no contradiction in the two rules. They are two different propositions and two different meanings of notice. Someone has confused them. The no notice in rule 59(10) means that a senator can rise and move a question, move a motion by saying: "I move that." You cannot do that under rule 43. It is a different proposition. I regret and I am sorry that the honourable senator has misunderstood me and made me take up a fair amount of time to explain it.

I would like to put some more authority on the floor, if I may, remembering that these rules like 59(10) predated, as I said before, Confederation and that these items have been in the rules for a long time. Their pedigree needs to be examined.

I would like to cite two references, one from the House of Commons and one from the Senate. I will begin with the Senate to confirm what had been the practice of the Senate.

• (1530)

The debate was on a report from the old committee of all the senators called the *Senate Committee to Consider the Orders and Customs of this House and Privileges of Parliament*.

I will offer the following to Senator Tardif because it was a Liberal senator whom I will quote who was the speaker. His name is David Christie. In order that we can know who these people are, Senator David Christie, like Senator Wilmot, who spoke in that debate — he was from New Brunswick — are all those senators who were named in the proclamation of the British North America Act, 1867. I would like honourable senators to understand our high place in the constitution of this country.

The name of Senator David Christie, from Ontario, was on that list.

The debate was on the vacating of a seat of a senator. This is what Senate Speaker David Christie had to say on April 11, 1876:

My opinion has been asked whether a resolution proposed as a question of privilege, and therefore not requiring notice, is in order. . . . The point has since been raised whether the resolution is not one affecting the privileges of the House. It is a resolution of that character, and I find on reference to May that questions of privileges and other matters suddenly arising may be considered without previous notice, so that as a question of privilege it is in order to propose the resolution.

— which is to say the motion.

Another one is Sir Wilfrid Laurier. The year is 1892. What I am trying to show here, Mr. Chairman, is that there has always been a rule in both houses that, in certain circumstances, a motion may be moved directly, appealing to every member, engaging each and every senator's ability.

Senator Moore: What did he say?

Senator Cools: Wilfrid Laurier, then Leader of the Opposition, said:

The first question to be looked into is whether this is a matter of privilege. I submit that anything affecting the character or standing of a member of this House is a matter of privilege. All the books are unanimous on this subject. If this is a matter affecting the character and independence of a member of this House, it is a matter of privilege, and it is of no consequence whether notice was given or not. I will call attention to the words of May, page 291:

It has been said that a question of privilege is, properly, one not admitting of notice: but where the circumstances have been such as to enable the member to give notice, and the matter was, nevertheless, *bona fide*, a question of privilege, precedence has still been conceded to it.

We have had a series of precedents on this question since the year 1873, showing that similar questions have been treated as a matter of privilege, without any notice, and it is in the interests of all that this motion should be heard at the earliest opportunity.

Mr. Chairman, there is an issue with the senators who have been the proponents of this rule change — and I can cite some interesting testimony from a particular committee. I can even quote here from the committee some fascinating, interesting insights as well. The confusion seems to be around the meanings of the word "motion," the meaning of the words "a question of privilege" and when a question of privilege is actually before the house for a decision. Rule 59(10) puts a question of privilege before the house, meaning a motion for action or something before the house, immediately —

The Chair: I must bring to the attention of the Honourable Senator Cools that each honourable senator has up to 10 minutes to make an intervention, and the 10 minutes on her second intervention has just expired.

Honourable senators, we are back to general debate on Chapters Five, Six, Seven, Eight and Nine.

Honourable Senator Fraser?

Senator Fraser: I simply wish to reiterate the point made earlier by the Deputy Leader of the Government and the Deputy Leader of the Opposition. We will have an opportunity to consider the whole and complex matter of questions of privilege when the time comes to address the chapter of this report that is devoted entirely to questions of privilege.

In the meantime, I believe it is appropriate not to address a single element of the matter of questions of privilege now via this amendment but to do so more fully in the context, as I say, of the whole matter of questions of privilege when we get to that stage by order of the Senate next week.

The Chair: Thank you, Honourable Senator Fraser.

Honourable senators, we are now —

Senator Cools: — motion to postpone consideration of rule 5-7 until later. If we accept the propositions of Senator Carignan and Senator Fraser, it will not be in order to defeat this or to vote on it. I understand that they are saying — and maybe I am wrong and Senator Carignan can correct me — to postpone consideration of rule 5-7 to another day.

If not, what are the honourable senators proposing?

The Chair: The Honourable Senator Fraser has the floor.

Senator Fraser: Chair, if in consideration of the matter of questions of privilege we decided that in that chapter there should be a section equivalent to what Senator Cools is suggesting, then the way this report is structured would simply mean, not that we had to go back and amend the actual wording in Chapter Five, but that we would add an exception to the lists of many, many exceptions, which honourable senators are aware appear throughout this report. I do not think that would be a matter of anything more than clerical responsibility.

The Chair: Honourable Senator Carignan?

[Translation]

Senator Carignan: Honourable senators, with all due respect for Senator Cools, her proposal to postpone the consideration of the chapter or part of a chapter would be contrary to an order of the Senate that was adopted and given to the Committee of the Whole. I do not believe that this proposal would be in order.

We are aware of the importance of questions of privilege and for that reason the revised rules were structured in chapters. We are aware that the concept of notice, here, deals with several motions and subjects. When we examine rule 46, however, when we identify exceptions, questions of privilege are identified as exceptions. Rule 5-5 deals with various other exceptions that, in some cases, do not require notice and, in others, require a different notice. That is how we decided to make the link with the questions of privilege for that section. But the complete code is found in Chapter 13, which deals with questions of privilege.

[English]

The Chair: Honourable Senator Carignan is correct. The order of May 17, section (c) said “after which the chair shall interrupt proceedings to put all questions necessary to dispose of these chapters successively . . .”

Therefore, the chapters I will be dealing with successively are Five, Six, Seven, Eight and Nine. I will be starting that in about five minutes, because we have two amendments before us already.

Senator Cools: I am sorry, Mr. Chairman, forgive me, but I did not hear a lot of what Senator Carignan had to say. I missed it in the translation because my ear piece was disconnected.

I would like to know what process we are now following to bump the discussion on rule 5-7, because it would have to move by motion.

• (1540)

You just cannot hold it in the air; something has to be decided today. We would have to agree to postpone the consideration of rule 5-7.

Senator Moore: Withdraw it.

Senator Cools: I am not withdrawing it.

The Chair: Honourable Senator Cools, you do not have to withdraw. In the debate that we are having at present, there are two amendments that are properly before the Committee of the Whole. There is room for others in Chapters Five, Six, Seven, Eight and Nine, but right now, there are two amendments that are properly before this committee.

Senator Cools: I am aware of that, but there has been dispute expressed. Some opinion has to be expressed here of the intention not to express an opinion then my motion and that it be postponed. Other than that, I do not find it very satisfactory.

I have a quotation before me where these very issues were discussed in a committee. I have Senator Fraser saying: I was going to support the option of just ditching, dumping, cutting, getting rid of rule 59(10).

The opinions are already established and clear.

What you are asking me to do is to argue the same thing again next week. That is not really fair because senators here have taken very firm positions on the repeal of rule 59(10).

I do not understand what we are doing. How are we temporarily suspending my motion? Opinion has been expressed. The honourable senator has been asked for an opinion. Should my motion go forward; should it not go forward?

I do not understand the process. It is quite novel to me; I do not understand it.

[Translation]

Senator Carignan: My understanding is that we must examine each of the chapters in accordance with the order of the Senate. We are discussing Chapters Five, Six, Seven, Eight and Nine. We cannot postpone this examination, as proposed by Senator Cools, since that would go against an order of the Senate. Either way, as I already explained, when we discuss Chapter Thirteen next week, Senator Cools' interesting suggestion will be part of the debate.

Senator Nolin: I do not see the confusion, and I think that Senator Cools is trying to sow confusion. The question is very simple. The senator has proposed an amendment. It will be voted on shortly and can be rejected.

When we examine Chapter Thirteen later next week, we will look at the question of privilege. I do not see why there is confusion.

Senator Robichaud: I support Senator Nolin's entirely appropriate remarks.

[English]

Senator Fraser: On a point of clarification, honourable senators, Senator Cools has the advantage over me; I do not have the transcript of the committee hearings before me. The extract that she read from remarks I made at a committee hearing begins by saying, "I was going to support . . ." It seems pretty clear to me, on the basis of that, that what I proceeded to say was what, in fact, happened to the evolution of my opinion, which was that I was going to support position A, but after debate, reflection and consideration, I changed my mind.

Senator Stratton: Thank you.

The Chair: Honourable senators, is there further debate on Chapters Five, Six, Seven, Eight or Nine?

Senator Cools: Mr. Chairman, I would like to respond to Senator Nolin.

I deeply regret that Senator Nolin would impute negative motives to me. I deeply regret that.

I would submit that I was sowing no confusion here. My intention is to bring some clarification on a question that has been greatly not only confused but totally confounded. That is my intention.

I do not appreciate it, and I do not think it is worthy of the honourable senator to attribute malicious or unpleasant motivations. I strongly object, and I want to put that on the record.

[Translation]

Senator Nolin: I retract my comments if they offended Senator Cools. I will get back to the heart of the issue. What we have before us is an amendment—maybe two, but specifically the one that came from Senator Cools. This amendment will be voted on shortly and majority will decide.

At the next sitting, as we examine each of the chapters in chronological order, we will examine all of the rules regarding questions of privilege. That will be the time to address subsection 10 of section 59 of the current rules.

Again, I apologize to Senator Cools. If my comments offended her, I retract them.

Senator Robichaud: I supported what Senator Nolin said, and certainly the last part of his speech. Like him, I meant no ill will to Senator Cools. I think he gave a good explanation of the procedure to follow: amendments have been presented and we will vote. Chapters will be examined during another sitting, and we will examine the question that is presented as a question of privilege.

[English]

Senator Cools: I was trying to make the point that what is before us is rule 5-7. As far as I am concerned, that is the question to be resolved today. Some senators cannot just say, "Well, we can consider it in two weeks' time."

If that is the case, I can start on each motion and say let us consider it the following week. The honourable senator's own motion, the order of reference, says that we only have one more meeting to go. The honourable senator cannot go around creating new privileges for himself and for his favourites. The honourable senator simply cannot do it. That is especially out of order.

We have been told by his motion that we must proceed in this way. The motion is extremely rigid. The order of reference is extremely rigid, and I have complained about it. However, since it is the honourable senator's motion and we voted on it, he has some duty to follow it. He cannot make exceptions now. If he were making a different proposition, I would look at it very favourably, but I do not like being dismissed summarily.

The Chair: Honourable senators, is there further debate on Chapters Five, Six, Seven, Eight or Nine?

Some Hon. Senators: No.

The Chair: There being none, honourable senators, we are now disposing of Chapter Five of the First Appendix of the report.

The Honourable Senator Cools moved, seconded by the Honourable Senator Moore:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 5, section 5-7,

(a) on page 47, by adding the following after paragraph (i):

"(j) raising a question of privilege"; and

(b) on pages 47 and 48, by re-lettering paragraphs (j) through (p), and any cross-references thereto, as paragraphs (k) through (q) accordingly.

Is it your pleasure, honourable senators, that the amendment carry?

Some Hon. Senators: No.

Senator Cools: Yes.

The Chair: The amendment is rejected and negated.

Honourable senators, shall Chapter Five carry?

Some Hon. Senators: Agreed.

Senator Cools: Abstain.

The Chair: Carried.

Honourable senators, we are now dealing with Chapter Six. Shall Chapter Six carry?

Some Hon. Senators: Agreed.

Senator Cools: Abstain.

The Chair: Carried.

We are now dealing with Chapter Seven. Shall Chapter Seven carry?

Some Hon. Senators: Agreed.

Senator Cools: Abstain.

The Chair: Carried.

The Chair: We are now dealing with Chapter Eight. Shall Chapter Eight carry?

Some Hon. Senators: Agreed.

Senator Cools: Abstain.

The Chair: Carried.

Honourable senators, on Chapter Nine, it has been moved by Honourable Senator Tardif, seconded by Honourable Senator Carignan:

That chapter nine of the First Appendix of the report be not now adopted but that it be amended by:

(a) renumbering rule 9-6(1) —

Some Hon. Senators: Dispense.

The Chair: Shall I dispense, honourable senators?

• (1550)

Some Hon. Senators: Dispense.

The Chair: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Some Hon. Senators: Agreed.

Senator Cools: Abstain.

The Chair: Carried.

Senator Cools: Chair —

The Chair: Honourable senators, shall Chapter Nine, as amended, carry?

Some Hon. Senators: Agreed.

The Chair: Carried.

Senator Cools: I abstain. I hope someone is recording that. I abstain.

The Chair: It is duly noted that the Honourable Senator Cools has abstained.

Senator Cools: On a whole series of them.

The Chair: Honourable senators, we are now starting the second portion of the meeting to consider Chapters Ten, Eleven and Twelve. I would ask honourable senators who intend to propose amendments to these chapters to do so now, if they wish to do so.

The final consideration of the amendments will be suspended until we are disposing of the appropriate chapter according to the order from the Senate.

After receiving the amendments, we will then proceed to debate the chapters. After having debated the chapters, we will deal with the motions necessary to dispose of them. Are there any amendments?

Senator Tardif: I would like to propose an amendment to Chapter Twelve, if I could have the pages circulate the amendment, please.

I would refer honourable senators to Chapter Twelve, which pertains to Senate committees. I wish to draw your attention to proposed new rule 12-4, which states:

The number of Senators appointed to the following standing joint committees shall be as recommended by the Committee of Selection:

(a) the Standing Joint Committee on the Library of Parliament; and

(b) the Standing Joint Committee for the Scrutiny of Regulations.

There is issue of wording here that is of concern, specifically the phrase “shall be as recommended by the Committee of Selection.” It appears that there is an imperative tied to the Selection Committee’s recommendation. I do not imagine this to have been the intent of this rule change. I believe we still want all decisions of the Selection Committee to be ratified by the Senate, a public forum.

Unfortunately, the proposed rule 12-4 seems to imply that the Selection Committee would make a recommendation to the Senate and the Senate could do nothing but read it into the record. This is because of the use of the word “shall.” The terminology appendix of the proposed new *Rules of the Senate* says that the expression “shall” is to be construed as imperative.

I remind my colleagues that this phrase of the revision of the *Rules of the Senate* was not intended to be a substantive one. I believe that simply removing the word “as” from proposed rule 12-4 would make it clear that it is the Senate, and not the committee, who has the final say.

For the reasons I have stated, I move:

[Translation]

That Chapter 12 of the First Appendix to the report be not now adopted but that it be amended by replacing rule 12-4, at page 93 of the Appendix (page 509 of the *Journals of the Senate*) with the following:

“Standing joint committees

12-4. The number of Senators appointed to the following standing joint committees shall be recommended by the Committee of Selection:

(a) the Standing Joint Committee on the Library of Parliament; and

(b) the Standing Joint Committee for the Scrutiny of Regulations.

REFERENCES

Parliament of Canada Act, *sections 74 and 78*

Statutory Instruments Act, *sections 19 and 19.1*.”

[English]

The Chair: It has been moved by the Honourable Senator Tardif, seconded by the Honourable Senator Carignan, that Chapter Twelve of the First Appendix of the report be not now adopted but that it be amended by replacing rule 12-4 at page 93 of the appendix — shall I dispense?

Some Hon. Senators: Dispense.

The Chair: Debate, honourable senators, on Chapters Ten, Eleven or Twelve?

Senator Fraser: Senator Carignan is the seconder of this, and he may wish to speak to this, but I know that he is busy for the moment.

As a member of the subcommittee, I would like to stress that the point Senator Tardif makes is entirely justified. This was a slip of the pen in English, which was then faithfully translated even more strongly into French. In fact, there was never any thought in the work of the subcommittee or, I am sure, in the work of the Rules Committee that any committee could tell the Senate what to do.

Always in our mind what we were thinking was that the Selection Committee would make a recommendation to the Senate. The substance that we are actually addressing here with this proposed wording was the fact that the present rules prescribe the numbers of senators who shall be named to these two joint committees and those numbers have not been respected, in many cases, for many years. For example, the present rule 86(1)(a) says that 17 senators shall be appointed to the Joint Committee on the Library of Parliament.

[Senator Tardif]

What we were trying to do was reflect, by now, long-established practice, which was that the Senate would decide with each session how many senators it would send to these joint committees. That was all we were trying to do. There was no question ever of suggesting that a mere committee should instruct the Senate or, indeed, should overrule the Senate in telling it what to do.

[Translation]

Senator Carignan: We agree with the proposed amendment and the reasons for it, which have been clearly expressed by Senators Tardif and Fraser. The amendment is in perfect alignment with the deliberations of the rules subcommittee. I support it and strongly encourage others to do so as well.

[English]

Senator Comeau: I just want to be absolutely sure that what we are doing is adding after “shall be” “as recommended.” Is that my understanding?

Senator Tardif: No, we were removing the word “as.”

Senator Comeau: Taking the word “as” out?

Senator Tardif: Yes, and it would just read “shall be recommended.”

Senator Comeau: Got it. Thank you.

The Chair: Further debate, honourable senators, on Chapters Ten, Eleven or Twelve?

Senator Carignan: Question.

Senator Stratton: Question.

Senator Robichaud: Question.

The Chair: The question has been called. Honourable senators, we are now disposing of Chapter Ten of the First Appendix of the report. There are no amendments. Shall Chapter Ten carry?

Hon. Senators: Agreed.

The Chair: Carried.

We are now dealing with Chapter Eleven. Honourable senators, there are no amendments. Shall Chapter Eleven carry?

Hon. Senators: Agreed.

The Chair: Carried.

We are now dealing with Chapter Twelve. Honourable senators will know that the Honourable Senator Tardif has moved, seconded by the Honourable Senator Carignan, that Chapter Twelve of the First Appendix of the report —

Senator Stratton: Dispense.

The Chair: Shall I dispense?

Some Hon. Senators: Dispense.

The Chair: Is it your pleasure, honourable senators, that the amendment carry?

Hon. Senators: Agreed.

The Chair: Carried. Honourable senators, shall Chapter Twelve, as amended, carry?

Hon. Senators: Agreed.

The Chair: Carried.

Honourable senators, pursuant to order of the Senate of May 17, 2012, I declare the committee adjourned until its next meeting, which will be on the next Tuesday the Senate sits at the end of government business.

Under the order of the Senate, the committee is not required to seek leave to sit again. Honourable senators can return their copies of the *Journals* to the pages, if they wish to do so, so that they can be used at future sittings.

Honourable senators, this matter is adjourned.

(The committee adjourned.)

• (1600)

The Hon. the Speaker: Honourable senators, the sitting is resumed.

[Translation]

EMPLOYMENT INSURANCE ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved second reading of Bill C-316, An Act to amend the Employment Insurance Act (incarceration).

He said: Honourable senators, I am honoured to speak today in this chamber to second reading of an important bill: Bill C-316, An Act to amend the Employment Insurance Act (incarceration).

I want to commend the initiative of a Conservative MP, Richard M. Harris from Cariboo—Prince-George, who sponsored this fair and equitable bill that corrects two glaring deficiencies in the Employment Insurance Act. I also want to thank the Minister of Human Resources for her sense of responsibility and leadership in supporting this private members' bill.

From a legislative point of view, this bill would amend the provisions of the Employment Insurance Act that allow for qualifying periods and benefit periods to be extended as the result of time spent by the claimant in a jail, penitentiary or other similar institution.

Specifically, Bill C-316 would eliminate two advantages unfairly given to criminals that most hard-working Canadians do not get: the extension of the qualifying period and employment insurance benefit period for people in prison.

These are two injustices to hard-working Canadians who are looking for employment. They are also two injustices for victims of crime who see their attackers enjoy a benefit given by law that few Canadians even realize exists. Bill C-316 would eliminate the extended qualifying period and benefit period of a claimant who has spent time in jail.

I would first like to speak about two changes that Bill C-316 would make. Then, I will discuss the amendments adopted by the House of Commons. Finally, I will address the underlying principles of this bill.

The first change made by this bill concerns the qualifying period, that is, the period in which the worker accumulates hours of employment in order to be eligible for employment insurance benefits. In Canada, under the terms of the Employment Insurance Act, the hours of insurable employment used to calculate the benefit period must have been accumulated during a qualifying period.

When an unemployed person files an employment insurance claim, he or she must have accumulated sufficient hours during this period in order to be eligible for benefits. The usual reference period is 52 weeks for ordinary Canadians. In some circumstances, the qualifying period may be extended to a maximum of 104 weeks.

Those circumstances are as follows. First, the qualifying period may be extended to 104 weeks in cases where continuing to work would entail danger to the person or the person's unborn child. This exception is justified and will be retained. This is the case, for example, of women who cannot work more than a certain number of hours per day without causing harm to their child.

Second, the qualifying period may be extended to a maximum of 104 weeks for Canadians who are unable to return to work by reason of illness, injury, pregnancy, or quarantine. Once again, this exception helps Canadians avoid difficult situations, and we will keep this exception for these workers.

Honourable senators, the examples of extensions that I just gave, which may extend the qualifying period up to 104 weeks, are justified and fair. The Canadians to whom these exceptions apply are honest workers who unfortunately have not asked to be put in positions that would put them at a disadvantage if their benefits were determined based on a 52-week qualifying period.

There is one final exception in the current legislation that is unfair and unacceptable, since it gives prisoners this privilege. The bill I am introducing today at second reading eliminates the 104-week qualifying period for criminals. Right now, and until this bill passes, receives royal assent and comes into effect, convicted criminals can have their qualifying periods extended to a maximum of 104 weeks, even though they are not looking for work, while honest Canadians who are looking for work are entitled only to the regular period of 52 weeks.

In other words, by applying the current legislation, someone convicted of a crime could be in prison for a year, get out of prison and apply for employment insurance benefits based on the hours he worked during the two previous years. That person would be eligible for employment insurance. In contrast, a Canadian who loses his job for any of the various reasons recognized by the act has only a 52-week qualifying period. In short, the criminal is given preferential treatment, and that is unfair.

The law, as it currently applies, is not only unfair to honest Canadians, but it is also insulting to the victims of crime. Thus, a criminal has the right to apply for employment insurance benefits when he is released from prison, and those benefits are based on a maximum qualifying period of 104 weeks. Meanwhile, if a victim of crime loses his or her job, a scenario that is rather common, he or she would have a qualifying period of only 52 weeks to be eligible for employment insurance.

An honest worker who files a claim for employment insurance benefits the same day as a convicted criminal can only count the hours worked over the previous 52 weeks, while the criminal can count the hours of work accumulated over the previous 104 weeks.

It is as though the time spent in prison simply does not count. However, a person who takes a year of leave for family reasons or to pursue other activities is entitled to receive benefits only if he or she qualified during the 52 previous weeks. It is not fair. It senses not logical.

The second change made by this bill concerns the benefit period of claimants who are incarcerated for less than two years. We are talking here about the period during which the ex-convict receives benefits.

Right now, in general, a person can receive employment insurance benefits for a maximum of 52 weeks after filing a claim. The benefit period can be extended to a maximum of 104 weeks in certain situations.

These situations are as follows. First, when a person is temporarily receiving compensation payments for a work accident, illness, or injury; second, when a person is receiving severance pay from his or her former employer; third, when a mother's newborn or newly adopted child is hospitalized; or fourth, when a woman is pregnant or breastfeeding and has stopped working because her health or her child's health would otherwise be in danger.

And right now, a person who was confined to a provincial jail or federal penitentiary can have his or her benefit period extended like honest Canadian workers.

A person who gets out of prison today can receive employment insurance benefits for up to 104 weeks. It is as though the time spent in prison did not happen. The convict can thus begin his return to freedom by benefitting from more employment insurance benefits than those received by honest workers. That is not acceptable in a society that considers itself fair and seeks to rehabilitate individuals who must take accountability for their actions. The creation of privileges such as these has a negative impact on the rehabilitation process.

It is even more unfair that any claim for employment insurance benefits filed by a law-abiding citizen that is not paid within a maximum of 52 weeks following date the claim was filed will expire at the end of that 52-week period. On the contrary, a convicted criminal can receive benefits within a period of 104 weeks.

• (1610)

Right now, citizens who abide by the law lose these benefits once the 52-week period is up. The system maintains this privilege for convicted criminals. It is simply unfair.

I would like to speak about two amendments proposed by the Minister of Human Resources, the honourable Diane Finley, which were adopted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. The Minister of Human Resources proposed two amendments to improve the merits of this fair and logical measure.

The first amendment would ensure that eliminating the extension of the qualifying and benefit periods applies only to people who have been convicted of a crime and are sent to prison. The people who are in preventive custody during their trial and who are found not guilty would not be subject to the proposed legislative change.

The second amendment would have the act come into force on a Sunday, which would connect the new measures with the employment insurance calendar that is based on two-week periods beginning on Sundays.

I would also like to speak about some principles that are at the heart of this bill.

In terms of principles, this bill would ensure that a convicted criminal would not have an advantage over honest Canadian workers with respect to employment insurance.

In other words, this bill would restore the principle that everyone is equal under the law. Someone found guilty of a crime should not receive preferential treatment regarding access to employment insurance benefits. Criminals make a choice. It is unfair that someone who committed a crime can benefit from up to 104 qualifying weeks and 104 benefit weeks instead of the 52 weeks for Canadian workers who abide by the law.

Honourable senators, this is not a punishment. A person who wishes to return to society must earn his freedom. Social reintegration should be his primary concern. Giving a criminal privileges will not encourage him to change behaviour that is destructive to himself and to society. According to Dr. Bergeron, a psychologist specializing in rehabilitation, such privileges can be counterproductive in terms of rehabilitation.

This bill is not about crime. This government measure is about the premiums paid by honest Canadian workers and employers. To maintain the credibility of our employment insurance system, these measures must come into force as quickly as possible.

What this bill will do is encourage convicted criminals to change their behaviour and agree to live and earn their living as honest citizens. No sensible Canadian would support any measure that

grants privileges to criminals released from jail. Canadians who receive employment insurance receive those benefits because they have been forced to leave their jobs through no choice of their own. Criminals made the choice to go to prison, so they should suffer the consequences.

As Richard M. Harris, the member for the British Columbia riding of Cariboo—Prince George, who sponsored the bill, said:

[English]

The bill is about fundamental fairness when it comes to accessing employment insurance benefits. Canada probably has the most generous and most helpful employment insurance programs than any other country in the world. We only have to look at the last couple of years when we were going through the recession. One only has to look at the bills our government brought in, such as the extended work benefits and job sharing. We have done everything we can, something unheard of in most other countries. This government believes in fairness. We are being fair to the law-abiding people who work our country. As I said before, the issue is fairness.

[Translation]

Should we encourage criminals to rehabilitate themselves by working and getting their lives back on track? The answer is yes. That is what we will continue to do by making major investments in our programs.

Should we offer criminals privileges they do not deserve so that they can leave jail without taking the trouble to make the same effort that other people make every day? For our government, the answer is no. Honest Canadians who work hard every day and who choose to obey the law agree.

Accordingly, I am asking honourable senators to support this bill at second reading. This bill offers logical change for those who contribute to employment insurance, comfort and equity for the victims of crime, and fairness for all law-abiding Canadian workers.

Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker): Does Senator Boisvenu agree to take a question?

Senator Boisvenu: Yes.

[English]

Hon. Hugh Segal: My question to the honourable senator relates to the status of people who are living in prison, leaving prison. I accept, as we all do, that people do not end up in prison in this country without due process and without the nature of their deeds being considered, not only with respect to guilt but also with respect to an appropriate sentence. Submissions are possible from the defence and others with respect to sentencing prior to someone actually being sent to be a guest of Her Majesty in one of our federal or provincial prisons.

The honourable senator will understand, and has spoken about, the difficulties with people who either get out of prison or who are not held in prison for an appropriate period of time. I understand

and respect his deep engagement and commitment on this issue, and understand why it is that deep and fundamental. I offer him my total support and encouragement on that front.

Having said that, he will be aware of the recidivist problem; people who leave prison and end up back in prison for various reasons. Of course, we know that the cost of keeping someone in Canada's prisons will be somewhere between \$60,000 and \$140,000 a year, whether it is in a provincial jurisdiction or a federal jurisdiction, high security, and the rest.

That is substantially less than the amount of Employment Insurance for which that individual might have been eligible before he ended up in prison. In that circumstance, the cost to Her Majesty and to the state of the recidivist numbers, which are high, are actually quite substantial. My view of the way in which Employment Insurance had operated in the past was that to the extent any credits were built up prior to someone entering prison, those credits could be used afterwards to assist in that individual leaving prison after having done his duty, having paid his debt to society and reintegrating into society.

Can I ask the honourable senator whether, in his support of this bill and the bill in the other place, anyone has done an analysis of the costs to the system? What are the savings of not paying Employment Insurance to these people, which is the purpose of this bill, which I understand and respect, and the costs of the recidivist numbers? They may in fact substantially increase if some of the transitional numbers are done away with by virtue of the purport of this legislation. If that costing has taken place and if he is aware, can he share it with us? If not, would he undertake to obtain some of that costing so we might look at that matter before the bill reaches third reading or is examined in committee?

[Translation]

Senator Boisvenu: Honourable senators, thank you for that question. As I said in my speech, this is not about economics, it is about social justice. We would be giving honest citizens the same privileges that are being given to criminals.

This bill simply seeks to eliminate certain privileges. This exercise began two years ago with the bill on eliminating pardons. In 2010 alone, more than 800 sex offenders in Canada were granted a pardon; even some who reoffended up to four times. We know that once a pardon is given, the person's record drops off the police radar. We have eliminated that privilege for criminals who reoffend, sex offenders, in order make our communities safer. That information was no longer available to police officers who were on patrol.

• (1620)

This bill seeks to put our house in order when it comes to privileges. For example, at present, when criminals go to prison, they receive a phonecard and a calling card, paid for by taxpayers. Are we making rules that instil a sense of responsibility in people?

It is not right that a criminal entering prison is given a television, a cable hookup for his cell and a calling card on the very first day without having done anything to deserve it. Our approach is to give inmates certain rights and privileges in prison on condition that they deserve them.

This is not a bill that will necessarily save money. The intent of the bill is to put all Canadians on an equal social footing. This is a social justice bill for honest citizens who, quite simply, do not have the same privileges as criminals. This is not a cost-saving measure. It sends the message that criminals will not be given the same privileges as, for example, a pregnant woman or a worker who is injured on the job. These people did not make a choice; the criminal made a choice.

Senator Segal: Does the honourable senator believe that it would be worthwhile making a distinction between people who are in prison for violent crimes, sex crimes, and those in prison for committing other crimes, perhaps offences under the Criminal Code that do not pose the same danger to society? Is it worthwhile to make a distinction between these two groups of prisoners when enforcing the law in the bill that is before us this afternoon?

Senator Boisvenu: Indeed, this bill makes a distinction regarding people who are serving long-term sentences, because the 52-week qualifying period would be exceeded. Here we are referring to people who are serving short sentences, often in provincial jails, and who have committed relatively minor crimes. The bill makes that distinction. For instance, an individual who is sentenced to seven years in prison will not be affected by this bill, because during those seven years, he would not be able to accumulate time to qualify for employment insurance.

Canada spends more than any other country per capita, per criminal, on rehabilitation programs. Canada spends the most per capita on social reintegration programs for former prisoners, including transition houses, detox programs and programs for pedophiles. Canada spends more than any other country on rehabilitation measures. And yet we are one of the worst performers in terms of results.

In Canada, 70 per cent of criminals return to federal penitentiaries. One in three criminals participates in rehabilitation programs. That is why we are doing a major about-face in federal penitentiaries and centering our rehabilitation programs on two main areas: education or instruction and work. We will concentrate our post-sentence social reintegration programs on substance abuse, since 80 per cent of criminals incarcerated in federal penitentiaries have substance abuse problems of all kinds. We will focus our efforts on post-sentence treatment, by having effective detox programs. Substance abuse is often what leads these people to crime. We will focus our programs inside the walls on work and education in order to give criminals the tools they need to succeed in life.

Too many criminals spend time in prison, and prison becomes a revolving door for them, as we say. That must stop. What is very costly to our system is the fact that 70 per cent of criminals return to prison. That is what costs so much. There is a lot of work to be done there.

Hon. Fernand Robichaud: I have some problems with what the honourable Senator Boisvenu is saying about how this is a social justice bill and how these people are not entitled to such privileges. Workers who contributed to the employment insurance fund are entitled, pursuant to the act. It is not a privilege, but a right to receive what they are entitled to under the act.

Of course, if these people are in prison, they cannot be on the labour market. However, when they are serving a sentence, we are the ones who decide to remove them from the market and to send them to prison. If we refuse them their right to employment insurance benefits once they are released, as Senator Segal mentioned, during that period of reintegration and return to life outside prison, I think we are simply encouraging them to return to what they were doing before. We have to at least give them a chance.

The senator said that it is a matter of social justice, but I think it is more a matter of a double punishment.

The person is being sent to prison. When judges send someone to prison, they impose a penalty based on the charges and not on whether the accused is entitled to employment insurance. In my opinion, this is a vested right that must be respected. We would give the person a better chance to return to being a member of society and to benefit from a program that will help him and also his family. We must remember that these people are not alone. They may be fathers or mothers. They may have children to support in some way.

Therefore, I do not completely agree that this is a matter of social justice.

Senator Boisvenu: I would like to thank the honourable senator for his comment, which seemed to be more an opinion than a question.

However, I do not share his opinion that we are taking these people out of the job market. They took themselves out of the job market by committing a crime. The responsibility should not be put back on us. The person who committed the crime and shut himself out of the job market is responsible.

We are not taking away the right to employment insurance. We are taking away a privilege that is granted to three categories of people: pregnant women, injured workers and people who have to remove themselves from the job market for other reasons. These people did not act by choice. The criminal made a decision and committed a crime, so why should he have the same privileges as upstanding citizens?

I do not share the honourable senator's opinion in that respect.

Senator Robichaud: Despite the applause, I am not convinced by what the honourable senator is saying.

Hon. Claude Carignan (Deputy Leader of the Government): If I understand correctly, under the bill, a person who is in prison is not available for work and thus cannot use the fact that he is in prison as a reason to justify why he could not work the number of weeks needed to receive employment insurance benefits. Contrary to the other cases, for example those mentioned in subsection 8.2, where it talks about people who are incapable of work because of a prescribed illness, injury, quarantine or pregnancy, it is a person's intentional criminal behaviour that makes him unavailable for work. The person was found guilty. The bill does not target those who are found not guilty. Do I understand that correctly?

Senator Boisvenu: Yes. You understand correctly. People who are excluded from the job market for involuntary reasons deserve this privilege. Criminals have excluded themselves from the job market voluntarily, unless we maintain that the actions committed by criminals do not have any effect on society or justice. However, that is not the case at all.

• (1630)

Your definition, your understanding is correct.

(On motion of Senator Tardif, for Senator Eggleton, debate adjourned.)

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Nolin, for the adoption of the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration (*Senators' Travel Policy*), tabled in the Senate on May 17, 2012.

Hon. Wilfred P. Moore: Honourable senators, this item has been adjourned in the name of the Senator Kenny. He has asked me to advise that he has spoken with the deputy chair of the committee, Senator Furey. Senator Kenny's concerns are now satisfied, and he does not wish to speak further on the matter.

Some Hon. Senators: Question.

[Translation]

The Hon. the Acting Speaker: It is moved by Senator Moore, for Senator Kenny, that further debate be adjourned to the next sitting of the Senate.

Hon. Fernand Robichaud: Honourable senators, we are told that Senator Kenny received answers to his questions when he spoke to the Deputy Chair of the Standing Committee on Internal Economy and that he no longer intends to speak to this committee report. I believe that the question should be put now.

Hon. Senators: Question!

The Hon. the Acting Speaker: Do any other honourable senators wish to speak? Are honourable senators ready for the question?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

EDUCATION IN MINORITY LANGUAGES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Losier-Cool, calling the attention of the Senate to the evolution of education in the language of the minority.

Hon. Maria Chaput: Honourable senators, with Honourable Senator Comeau's permission, I will participate in today's inquiry with the understanding that the debate remain adjourned in Senator Comeau's name.

A little while ago, my honourable colleague from New Brunswick told us about her province's successes in the area of French education, and I would like to thank her for her remarks. I must say that the VIP list she was proud to share — and rightly so — was impressive and inspiring. She showed that Canada's French-speaking community outside Quebec is doing very well and can be proud of its achievements in all areas.

Today I would like to draw from the works of two authors from my home province and share with you a bit of the history of education in French Manitoba. The first, Gabrielle Roy, opened her autobiography, *Enchantment and Sorrow*, with the words:

When did I first realize that I was destined to be treated like an inferior in my own country?

Gabrielle Roy was born in 1909 and grew up at a time when the ban on French education in Manitoba was at its worst.

The second author, Daniel Lavoie, born exactly 40 years later, wrote in his song *Jours de plaine*, that he "hears our grandfathers' words carried in the wind" and "the plaintive cries of his mother tongue," and that sometimes "he hears nothing at all because of the wind." I am sure the wind takes many forms.

Both authors felt what many generations have felt in the Manitoba where I was born: a sense of injustice and the desire to reject oppression. Unlike many provinces, Manitoba took a long time to make things right. It was only a generation ago that we achieved educational equity. Many generations have been influenced by what they experienced.

The classroom, the school, the books, and the teachers: that whole environment during our childhood shapes us forever. Society makes no mistakes. What happens at school is guided by principles and identity. What happens when a society decides to change things and impose a new environment, with other values and principles? History shows that these new elements may oppress and offend at first, but, in time, things sort themselves out.

As you know, the Franco-Manitoban community did not comply. We collectively chose to ignore the laws that prevented us from passing on our values, culture and language. We did it in broad daylight, with the complicity of our religious and political leaders. And we did so for more than 50 years. It is for that reason that I can speak to you in my mother tongue today and understand you in the other official language of this country.

You know as well as I do that, when it was founded in 1870, Manitoba was a one-of-a-kind province. One generation later, the constitutional capital of its founder, Louis Riel, had been dissipated by the winds of intolerance. In 1890, the Greenway government abolished the two cultural pillars of Catholics and francophones: the denominational school system and the province's bilingual status.

The Catholic community chose to seize the constitutional bull by the horns and immediately submitted a request for disallowance to the federal government, which refused to listen. Prime Minister John A. Macdonald, together with the Liberal opposition, decided that the matter was political and had to be dealt with by the courts. That is how the Manitoba Schools Question was born and remained in the headlines for six years. It was brought before the Privy Council in London on a number of occasions, and finally had a major influence on the outcome of a federal election. The winner, Wilfrid Laurier, brought legal proceedings to a close with a political compromise, the Laurier-Greenway Compromise.

He closed the doors of the courts, but opened the door to the concept of "where numbers warrant." This complex agreement referred for the first time to the number of children in a classroom. It gave the right to education, bilingual or not, and to catechism after 3:30 p.m. It was a formula detested by the person who had to apply it daily, Msgr. Adélard Langevin, Archbishop of Saint-Boniface. But a bird in the hand is worth two in the bush, and the prelate got down to work.

Section 10 of the agreement would have unintended consequences. Indeed, francophone Catholics could benefit from this, but so could all immigrants who came to live in Manitoba. These minorities with a secular heritage — the Germans, Hungarians, Mennonites, Polish, Ukrainians and Ruthenians, who today are considered the cultural mosaic in Manitoba — took advantage of the situation. Public opinion, which was conveyed primarily by the *Winnipeg Free Press*, strongly condemned the fact that the children, and sometimes the teachers, could not speak English. People were afraid of seeing Manitoba become a Tower of Babel.

Then again, Manitoba did not have compulsory schooling. Illiteracy rates were very high, giving Manitoba the unenviable distinction of being the Canadian province that was furthest behind.

The events of 1916 remain in the collective memory of Franco-Manitobans as one of the most difficult periods in their history. When Tobias C. Norris's Liberal government came to power, it brought in a series of reforms. It gave women the right to vote, introduced a number of laws regarding social issues, and most importantly, it abolished the Laurier-Greenway Agreement. Schooling became compulsory and English the only language in schools. Social integration in Manitoban society was achieved by force.

French Canadians lost the last remaining vestige of that which had allowed them to pass on their values, identity and cultural heritage. They found themselves outnumbered in the province that they helped found. They believed that their only choice was civil disobedience.

• (1640)

The plan was simple: do not obey, hire teachers who are able to teach in French but speak English when the inspector comes to visit the schools, and elect commissioners and political representatives who will close their eyes. People had to work together and set up an association to coordinate everything — the Association d'éducation des Canadiens français du Manitoba, in which my grandfather participated for many years.

The Archdiocese of Saint-Boniface set the tone. Although total discretion was advised, the front page of *La Liberté* advertised fundraisers and the results of French competitions. We had to hide our books and speak English when the inspector arrived. Disobeying the law was normal and acceptable and I did not feel guilty about it at all.

As I grew older, however, I realized that something was not right. On one hand, I was being told to be proud of my community, but on the other, I had to be silent before the school board representative as though my language were something to be ashamed of. It was a humiliating yet stimulating paradox. This cover-up in broad daylight went on until the early 1960s.

The first ray of hope came from the Premier, Duff Roblin, later a senator for Manitoba. He implemented legislation to create large school districts. He asked a francophone, Justice Alfred Monnin, to set out the school boundaries in such a way as to take all cultural sensitivities into consideration. Then, he authorized a program in which French would be taught 50 per cent of the time. His successor, Ed Schreyer, granted the requests of a member who crossed the floor, Laurent Desjardins, who passed away just recently, to give the francophone community of Manitoba the tools for development, in education among other areas.

Bill 113 was passed and francophones were thrilled. Nevertheless, this legislation contained disturbing shortcomings. Parents who wanted their children to be educated in French had to ask the school board's permission. Bill 113 was quickly labelled the permissions bill and caused a great deal of contention in the community.

This is the fight in which I had to engage as a mother so that my children could go to school in their mother tongue. I have to admit that, as parents, we did not always succeed in maintaining the community cohesion that was our strength from 1916 to 1968. In some cases, the situation motivated parents to become members of school boards, thereby ensuring that there were French schools placed where they were needed. Sometimes, new schools had to be built. Provincial officials criticized these board members' plans and called these future French schools "white elephants." However, rest assured that these schools are still filled to overflowing; French Manitoba has yet to see any elephants.

End of story, right? Far from it. Merely having French schools scattered throughout the community does not guarantee coherent identity and culture. That is why the Bureau de l'éducation française suggested creating a network of French schools. The proposal foundered on the shores of government indifference. Administrators, parents, and advocacy groups called for a French school board, but full and complete school management by and for francophones seemed an impossible goal, given the involvement of political players.

Finally, in 1982, the Canadian Charter of Rights and Freedoms renewed our hope for our own school board. But the political players were reluctant to give in. As we all know, legal proceedings cost money. As a community, we survived thanks to AECFM funding, but we wanted to achieve more than mere survival. The federal government created the court challenges program. My honourable colleagues from Alberta, Ontario and Acadia know this program well. It enabled us to claim our constitutional rights as founding communities under section 23 of the Canadian Charter of Rights and Freedoms. At long last, in 1994, the Division scolaire franco-manitobaine opened its doors.

Now, in 2012, the DSFM has 24 schools, an adult learning centre, 10 early childhood education and family centres, and a \$69.5 million budget. Our schools are everywhere from Saint-Boniface to CFB Shilo to Thompson in the north. Students can take International Baccalaureate courses, receive funding for education studies and take advantage of the francisation program, an essential tool that supports our identity as a community in tandem with the program to support non-francophone parents.

My grandchildren currently go to one of those DSFM French schools and their parents think it is quite normal. My grandchildren speak French freely and without reservations. They are learning to read Gabrielle Roy's books and to sing Daniel Lavoie's songs. When the time comes, they will study at the Université de Saint-Boniface. They will take courses in the arts, sciences or professional studies, in business administration, social services or translation and, if they so choose, pursue opportunities at the University of Manitoba. They can train as teachers at the educational institute or study at the technical and professional school. The range of programs offered could only have been dreamed of in 1916. They will study alongside foreign students from around the world. What counts, however, is that they will study in French.

Just like Gabrielle Roy and Daniel Lavoie, they represent the ideal that was imagined in 1916 — an ideal based on the values we identify with and the cultures that reflect us. Since then, there have been many figures of whom we have been just as proud. The list is shorter than that of my colleague from New Brunswick, but our institutions are solid, and our youth are free from the complexes of former generations and prepared to face the future.

Canada in 2012 is not as perfect as we would like it to be, but it is certainly enriched by all of the Gabrielle Roys, Daniel Lavoies, Étienne Gabourys, Roger Léveillé and Roland Mahés, and all the other creators who have carried the torch for my culture and mother tongue.

Yes, sometimes the future seems bleak. Assimilation is ravaging our communities. Will it succeed where legislators have failed? Is it not our role as legislators to preserve this environment and ensure that the weakest among us are protected first? Their voices count as much as those of the majority that holds the key to the future.

The Hon. the Speaker: Are we in agreement, honourable senators, that the debate will be adjourned in Senator Comeau's name?

Hon. Senators: Agreed.

(On motion of Senator Comeau, debate adjourned.)

[English]

MULTIPLE SCLEROSIS AND CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy, calling the attention of the Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the "liberation" procedure.

Hon. Jane Cordy: Honourable senators, I am pleased to speak on my inquiry and to bring to your attention the thousands of Canadians living with multiple sclerosis and chronic cerebrospinal venous insufficiency, or CCSVI. These Canadians and their families continue to plead with this government to move ahead with supporting the CCSVI treatment procedure within the Canadian health care system.

I would like to take a moment to thank Dr. Kirsty Duncan, the Liberal Member of Parliament for Etobicoke North, for the tremendous work she has done for those with MS. In addition to being a Nobel Prize winner, as part of a panel on climate change with Al Gore, she was recently awarded the Pioneer in Healthcare Policy Award by the Society for Brain Mapping and Therapeutics. She was recognized as being one of the best advocates of brain research in Canada.

Honourable senators, 75,000 Canadians live with the progressively debilitating disease multiple sclerosis; another 1,000 are diagnosed with the disease each year. Canada's prevalence rate of MS is among the highest in the world, at 240 per 100,000 people.

The suicide rate for MS patients is a staggering seven times higher than the national average. This is a shocking statistic and indicative of the hopelessness many MS sufferers feel toward finding relief from their symptoms.

Honourable senators, I believe passionately that those Canadians with CCSVI should have access to our medical system. One of the five principles of the Canada Health Act is accessibility. Yet many Canadians with MS have been treated badly by our health care system, and some have even been refused treatment.

• (1650)

Venous angioplasty for those with CCSVI is taking place in over 60 countries around the world. As honourable senators know, Canadians with CCSVI must travel outside Canada to have the procedure done. We are promoting medical tourism here in Canada.

I would like to thank Premier Brad Wall of Saskatchewan who announced on January 12 of this year that his government would support clinical trials for residents of his province. My understanding is that 80 patients have already been selected to go to Albany, New York, which has the largest CCSVI treatment clinical trial of its type. Many Canadians who have travelled to other countries have done so at great financial hardship. One

gentleman I met remortgaged his home, others have had community fundraisers, and others have used their savings. This is Canada, where medicare was brought in so that Canadians should not suffer undue hardships as a result of an illness. Unfortunately, some Canadians with CCSVI are suffering financial hardship. Even worse, when they return to Canada, some are refused follow-up care.

Does venous angioplasty work miracles for everyone who has the procedure? From what I have read, one third of patients have tremendous improvement. They would be the so-called "miracles," the ones who go from being bedridden to walking. One third have some improvement, and one third have little to no improvement. If we had our registry in place, which was announced over a year ago, we would have better made-in-Canada data.

Health Canada should support clinical trials in Canada and provide follow-up care to ensure the safety and well-being of those Canadians who choose to have the procedure done, whether here in Canada or abroad. It is shameful how many Canadian MS patients who had the procedure done abroad are denied follow-up care by our health care system. These are Canadians who want and deserve the opportunity to get back some semblance of a regular life, to regain some quality of life.

I am concerned about the CIHR's expert working group set up to study CCSVI. I have spoken in this chamber before regarding this working group. According to the CIHR website, the working group's mandate is:

The scientific expert working group will make recommendations on further studies including, if appropriate, a pan-Canadian interventional clinical trial that would evaluate the safety and efficacy of venous angioplasty in patients with MS, and will provide advice on the protocols to expedite such a trial (e.g. inclusion/exclusion criteria).

Honourable senators, this is a very important mandate, an important mandate for those members of the expert working group. All Canadians would assume that those on the expert group would be independent and, equally important, would be seen to be independent. We, as politicians, understand the importance of public perception. In fact, honourable senators, Dr. Sandy MacDonald, Dr. Haacke and Dr. Zamboni were not included in the August 26, 2010 joint CIHR-MS Society meeting. The explanation given was that their work would be discussed and including them might bias the discussion. In fact, Dr. Sandy MacDonald, who has performed venous angioplasty on MS patients, and who has a diagnostic imaging clinic in Barrie, Ontario, and whose office trained the imaging diagnostic team in Saskatchewan, was not included as part of the diagnostic imaging meeting held by CIHR last fall. One of the country's leading experts was not invited to be there.

Honourable senators, Dr. Barry Rubin is a member of the CIHR expert working group. He is also the third author of an article called "The 'Liberation Procedure' for Multiple Sclerosis: Sacrificing Science at the Altar of Consumer Demand" in the May 2012 *Journal of the American College of Radiology*, volume 9, issue 5.

Honourable senators, I am not questioning any doctor's right to their opinion on multiple sclerosis or CCSVI, and I am not questioning their right to publish medical articles on CCSVI.

What I am questioning is that a supposedly unbiased, independent member of the expert panel would publish such an article.

One has to question whether this will prejudice the ethical board reviews for CCSVI trials.

This is clearly a conflict of interest and I would hope that Dr. Rubin would step down from the panel of experts. The fear among members of the CCSVI community that have been in contact with me is that the expert panel can no longer be seen as independent, and they fear that perhaps the government's announcement of phase I clinical trials is not meant to proceed but is, in fact, being set up for failure. That would truly be unfortunate. The study should be open, transparent and, above all, should be conducted without bias. This is what Canadians deserve. This is what the CCSVI community in Canada deserves.

Honourable senators, there is a great concern with the CCSVI community that while the government fast-tracked Tysabri and Gilenya for use by MS patients, the government has been reticent about clinical trials for venous angioplasty. Tysabri is known to cause PML, or progressive multifocal leukoencephalitis, which is a rare and usually fatal viral disease. This drug, which was fast-tracked by Health Canada for use by MS patients, has now infected 232 people with PML and killed 49 others worldwide. Gilenya, the other drug fast-tracked by Health Canada for MS patients, has now killed 11 people and is currently under review in Canada.

Unfortunately in Canada, when a drug is under review, we, as Canadians, receive little or no information about the whys or, indeed, about the process of the review. By the way, Gilenya is not supposed to be given to people with a vascular condition, so it should not even be taken by those with CCSVI.

So you see, honourable senators, the drugs Gilenya and Tysabri have been fast-tracked for MS patients, but the venous angioplasty clinical trials for MS patients with CCSVI continues to move at a snail's pace. In fact, we still have not begun to keep records of those who have undergone the procedure. The establishment of a registry was announced in March 2011. The registry is supposed to start in September 2012. We will have lost a year and half of evidence related to venous angioplasty. We could have been tracking and collecting data for those who have had the procedure. We would have had some data on the results one month, three months, nine months and a year after the procedure has been done. Honourable senators, we cannot get this time back.

Honourable senators, on May 10 of this year the FDA issued an alert on the potential dangers of the liberation procedure to treat CCSVI. The FDA regularly issues warnings for pharmaceuticals or medical procedures. These warnings are a positive thing. The more informed a patient is about a drug or procedure, the more informed their decision will be about what course of treatment they wish to follow. These types of warnings provide greater patient safety and transparency. In fact, our Social Affairs Committee has heard over and over again the need for openness and transparency for clinical trials in Canada. The FDA does say, "There is no clear scientific evidence that the treatment of internal jugular or Azygos venous stenosis is safe in MS patients." In fact, this is incorrect as there have been four published studies which conclude otherwise.

As Dr. Bill Code, an anesthesiologist from British Columbia, and a CCSVI patient who has had venous angioplasty, stated:

It's important to take it in perspective. If there has been one direct death, perhaps two, in say 12,000 cases, that's still much less than we're getting from some of the drugs used every day in multiple sclerosis.

• (1700)

Dr. Rob Zivadinov, a neurologist and lead researcher in the largest CCSVI study taking place in Buffalo, New York, concluded that CCSVI does exist, and it is not unique to MS.

Honourable senators, I had the pleasure of hosting a breakfast on CCSVI with Dr. Kirsty Duncan. One of the presenters was Dr. Joseph Hewett, an interventional radiologist and phlebologist. Dr. Hewett was born in Manitoba, but works in the United States. He jokingly said that he works in the United States, but treats a lot of Canadians.

Dr. Hewett currently diagnoses and treats patients with multiple sclerosis and other neurodegenerative disorders using MRI, ultrasound and venous angioplasty, and he has been doing so for over 15 years. The techniques being used to treat blood vessel abnormalities in MS patients are the same techniques that have been used for decades. There is a large and increasing amount of research showing an association between diseases like MS and the blood vessels. As Dr. Hewett said, with a blockage it may take decades for the problems to accumulate, but over the course of years the results of these blockages in the outflow compound themselves. We know that blood vessels play a major role in neurological disease.

Honourable senators, even if you doubt that venous angioplasty for those with CCSVI works, should you not at least get as much information as you can?

As Dr. Hewett said:

The overwhelming number of patients with MS who have had an improvement in their health as a result of changing the plumbing from their brain should be proof enough that we need to look at this closer — that we need to figure out what is valid and what is not regarding our understanding of the subject. We owe this to the hundreds of thousands of Canadians who are afflicted by neurodegenerative diseases and to the millions of Canadians who care for them.

Honourable senators, I am certain that most of us know someone with MS. Should they have travel to Mexico. Poland or the United States for venous angioplasty? This is a procedure that has been done for decades in Canada. It is performed for Budd-Chiari Syndrome and May-Thurner Syndrome across Canada.

The practice of medicine is continuously changing and evolving. As patients, we must always weigh the benefit-risk ratio of a medical procedure or a medication. Do I take the medication with its risks, or do I not? Do I have the medical procedure with its risks, or do I not?

Honourable senators, I will leave you with these thoughts from Christopher from Nova Scotia:

As an MS patient I have always been willing to take the risks of increased liver damage, possibility of developing leukemia, increased risk of cardio toxicity . . . and these are with the drugs. I took the "risk" of venous angioplasty. And I won that gamble . . . more than I can say about the risks of the drugs where I came out short-changed.

(On motion of Senator Cordy, for Senator Harb, debate adjourned.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CURRENT STATE AND FUTURE OF ENERGY SECTOR AND TO DEPOSIT REPORT WITH THE CLERK DURING ADJOURNMENT OF THE SENATE

Hon. W. David Angus, pursuant to notice of May 29, 2012, moved:

That notwithstanding the Order of the Senate adopted on Thursday, June 16, 2011, the date for the tabling of the final report by the Standing Senate Committee on Energy, the Environment and Natural Resources on the current state and future of Canada's energy sector (including alternative energy), be extended from June 29, 2012 to September 28, 2012; and

That, notwithstanding usual practices, the committee be permitted to deposit with the Clerk of the Senate the above mentioned report if the Senate is not then sitting and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. W. David Angus, pursuant to notice of May 29, 2012, moved:

That, pursuant to Rule 95(3)(a), the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to sit for two days this summer, on dates to be determined after consultation with the committee members, for the purpose of considering a draft report, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, June 6, 2012, at 1:30 p.m.)

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Kevin MacLeod

THE MINISTRY

(In order of precedence)

(June 5, 2012)

| | |
|--------------------------------------|---|
| The Right Hon. Stephen Joseph Harper | Prime Minister |
| The Hon. Robert Douglas Nicholson | Minister of Justice and Attorney General of Canada |
| The Hon. Marjory LeBreton | Leader of the Government in the Senate |
| The Hon. Peter Gordon MacKay | Minister of National Defence |
| The Hon. Vic Toews | Minister of Public Safety |
| The Hon. Rona Ambrose | Minister of Public Works and Government Services |
| | Minister of State (Status of Women) |
| The Hon. Diane Finley | Minister of Human Resources and Skills Development |
| The Hon. Beverley J. Oda | Minister of International Cooperation |
| The Hon. John Baird | Minister of Foreign Affairs |
| The Hon. Tony Clement | President of the Treasury Board |
| | Minister for the Federal Economic Development Initiative for Northern Ontario |
| The Hon. James Michael Flaherty | Minister of Finance |
| The Hon. Peter Van Loan | Leader of the Government in the House of Commons |
| The Hon. Jason Kenney | Minister of Citizenship, Immigration and Multiculturalism |
| The Hon. Gerry Ritz | Minister of Agriculture and Agri-Food |
| | Minister for the Canadian Wheat Board |
| The Hon. Christian Paradis | Minister of Industry and Minister of State (Agriculture) |
| The Hon. James Moore | Minister of Canadian Heritage and Official Languages |
| The Hon. Denis Lebel | Minister of Transport, Infrastructure and Communities |
| | Minister of the Economic Development Agency of Canada for the Regions of Quebec |
| The Hon. Leona Aglukkaq | Minister of Health |
| | Minister of the Canadian Northern Economic Development Agency |
| The Hon. Keith Ashfield | Minister of Fisheries and Oceans and Minister for the Atlantic Gateway |
| | Minister of the Environment |
| The Hon. Peter Kent | Minister of Labour |
| The Hon. Lisa Raitt | Minister of National Revenue |
| The Hon. Gail Shea | Minister of Aboriginal Affairs and Northern Development |
| The Hon. John Duncan | Minister of Veterans Affairs |
| The Hon. Steven Blaney | Minister of International Trade |
| The Hon. Edward Fast | Minister for the Asia-Pacific Gateway |
| | Minister of Natural Resources |
| The Hon. Joe Oliver | Minister of Intergovernmental Affairs |
| The Hon. Peter Penashue | President of the Queen's Privy Council for Canada |
| | Associate Minister of National Defence |
| The Hon. Julian Fantino | Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie) |
| The Hon. Bernard Valcourt | Minister of State and Chief Government Whip |
| The Hon. Gordon O'Connor | Minister of State (Small Business and Tourism) |
| The Hon. Maxime Bernier | Minister of State of Foreign Affairs (Americas and Consular Affairs) |
| The Hon. Diane Ablonczy | Minister of State (Western Economic Diversification) |
| | Minister of State (Transport) |
| The Hon. Lynne Yelich | Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario) |
| The Hon. Steven John Fletcher | Minister of State (Finance) |
| The Hon. Gary Goodyear | Minister of State (Democratic Reform) |
| | Minister of State (Seniors) |
| The Hon. Ted Menzies | Minister of State (Sport) |
| The Hon. Tim Uppal | |
| The Hon. Alice Wong | |
| The Hon. Bal Gosal | |

SENATORS OF CANADA

ACCORDING TO SENIORITY

(June 5, 2012)

| Senator | Designation | Post Office Address |
|----------------------------------|------------------------------------|----------------------------|
| The Honourable | | |
| Anne C. Cools | Toronto Centre-York | Toronto, Ont. |
| Charlie Watt | Inkerman | Kuujuuaq, Que. |
| Joyce Fairbairn, P.C. | Lethbridge | Lethbridge, Alta. |
| Colin Kenny | Rideau | Ottawa, Ont. |
| Pierre De Bané, P.C. | De la Vallière | Montreal, Que. |
| Ethel Cochrane | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. |
| Gerald J. Comeau | Nova Scotia | Saulnierville, N.S. |
| Consiglio Di Nino | Ontario | Downsview, Ont. |
| Donald H. Oliver | South Shore | Halifax, N.S. |
| Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton, N.B. |
| Janis G. Johnson | Manitoba | Gimli, Man. |
| A. Raynell Andreychuk | Saskatchewan | Regina, Sask. |
| Jean-Claude Rivest | Stadacona | Quebec, Que. |
| Terrance R. Stratton | Red River | St. Norbert, Man. |
| David Tkachuk | Saskatchewan | Saskatoon, Sask. |
| W. David Angus | Alma | Montreal, Que. |
| Pierre Claude Nolin | De Salaberry | Quebec, Que. |
| Marjory LeBreton, P.C. | Ontario | Manotick, Ont. |
| Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. |
| Rose-Marie Losier-Cool | Tracadie | Tracadie-Sheila, N.B. |
| Céline Hervieux-Payette, P.C. | Bedford | Montreal, Que. |
| Marie-P. Charette-Poulin | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. |
| Wilfred P. Moore | Stanhope St./South Shore | Chester, N.S. |
| Fernand Robichaud, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. |
| Catherine S. Callbeck | Prince Edward Island | Central Bedeque, P.E.I. |
| Serge Joyal, P.C. | Kennebec | Montreal, Que. |
| Francis William Mahovlich | Toronto | Toronto, Ont. |
| Joan Thorne Fraser | De Lorimier | Montreal, Que. |
| Vivienne Poy | Toronto | Toronto, Ont. |
| George Furey | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Nick G. Sibbeston | Northwest Territories | Fort Simpson, N.W.T. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Elizabeth M. Hubley | Prince Edward Island | Kensington, P.E.I. |
| Mobina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Joseph A. Day | Saint John-Kennebecasis | Hampton, N.B. |
| George S. Baker, P.C. | Newfoundland and Labrador | Gander, Nfld. & Lab. |
| David P., P.C. | Cobourg | Toronto, Ont. |
| Maria Chaput | Manitoba | Sainte-Anne, Man. |
| Pana Merchant | Saskatchewan | Regina, Sask. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |
| Percy E. Downe | Charlottetown | Charlottetown, P.E.I. |
| Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire, Que. |
| Mac Harb | Ontario | Ottawa, Ont. |
| Terry M. Mercer | Northend Halifax | Caribou River, N.S. |
| Jim Munson | Ottawa/Rideau Canal | Ottawa, Ont. |
| Claudette Tardif | Alberta | Edmonton, Alta. |
| Grant Mitchell | Alberta | Edmonton, Alta. |

| Senator | Designation | Post Office Address |
|----------------------------|---|-----------------------------------|
| Elaine McCoy | Alberta | Calgary, Alta. |
| Robert W. Peterson | Saskatchewan | Regina, Sask. |
| Lillian Eva Dyck | Saskatchewan | Saskatoon, Sask. |
| Art Eggleton, P.C. | Ontario | Toronto, Ont. |
| Nancy Ruth | Cluny | Toronto, Ont. |
| Roméo Antonius Dallaire | Gulf | Sainte-Foy, Que. |
| James S. Cowan | Nova Scotia | Halifax, N.S. |
| Andrée Champagne, P.C. | Grandville | Saint-Hyacinthe, Que. |
| Hugh Segal | Kingston-Frontenac-Leeds | Kingston, Ont. |
| Larry W. Campbell | British Columbia | Vancouver, B.C. |
| Rod A. A. Zimmer | Manitoba | Winnipeg, Man. |
| Dennis Dawson | Lauson | Sainte-Foy, Que. |
| Sandra Lovelace Nicholas | New Brunswick | Tobique First Nations, N.B. |
| Bert Brown | Alberta | Kathyrn, Alta. |
| Stephen Greene | Halifax-The Citadel | Halifax, N.S. |
| Michael L. MacDonald | Cape Breton | Dartmouth, N.S. |
| Michael Duffy | Prince Edward Island | Cavendish, P.E.I. |
| Percy Mockler | New Brunswick | St. Leonard, N.B. |
| John D. Wallace | New Brunswick | Rothsay, N.B. |
| Michel Rivard | The Laurentides | Quebec, Que. |
| Nicole Eaton | Ontario | Caledon, Ont. |
| Irving Gerstein | Ontario | Toronto, Ont. |
| Pamela Wallin | Saskatchewan | Wadena, Sask. |
| Nancy Greene Raine | Thompson-Okanagan-Kootenay | Sun Peaks, B.C. |
| Yonah Martin | British Columbia | Vancouver, B.C. |
| Richard Neufeld | British Columbia | Fort St. John, B.C. |
| Daniel Lang | Yukon | Whitehorse, Yukon |
| Patrick Brazeau | Repentigny | Maniwaki, Que. |
| Leo Housakos | Wellington | Laval, Que. |
| Suzanne Fortin-Duplessis | Rougemont | Quebec, Que. |
| Donald Neil Plett | Landmark | Landmark, Man. |
| Michael Douglas Finley | Ontario—South Coast | Simcoe, Ont. |
| Linda Frum | Ontario | Toronto, Ont. |
| Claude Carignan | Mille Isles | Saint-Eustache, Que. |
| Jacques Demers | Rigaud | Hudson, Que. |
| Judith G. Seidman (Ripley) | De la Durantaye | Saint-Raphaël, Que. |
| Carolyn Stewart Olsen | New Brunswick | Sackville, N.B. |
| Kelvin Kenneth Ogilvie | Annapolis Valley - Hants | Canning, N.S. |
| Dennis Glen Patterson | Nunavut | Iqaluit, Nunavut |
| Bob Runciman | Ontario—Thousand Islands and Rideau Lakes | Brockville, Ont. |
| Pierre-Hugues Boisvenu | La Salle | Sherbrooke, Que. |
| Elizabeth (Beth) Marshall | Newfoundland and Labrador | Paradise, Nfld. & Lab. |
| Rose-May Poirier | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent, N.B. |
| David Braley | Ontario | Burlington, Ont. |
| Salma Ataullahjan | Toronto—Ontario | Toronto, Ont. |
| Don Meredith | Ontario | Richmond Hill, Ont. |
| Fabian Manning | Newfoundland and Labrador | St. Bride's, Nfld. & Lab. |
| Larry W. Smith | Sauvel | Hudson, Que. |
| Josée Verner, P.C. | Montarville | Saint-Augustin-de-Desmaures, Que. |
| Betty E. Unger | Alberta | Edmonton, Alta. |
| JoAnne L. Buth | Manitoba | Winnipeg, Man. |
| Norman E. Doyle | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Asha Seth | Ontario | Toronto, Ont. |
| Ghislain Maltais | Shawinigan | Quebec City, Que. |
| Jean-Guy Dagenais | Victoria | Blainville, Que. |
| Vernon White | Ontario | Ottawa, Ont. |

SENATORS OF CANADA

ALPHABETICAL LIST

(June 5, 2012)

| Senator | Designation | Post Office Address | Political Affiliation |
|-----------------------------------|------------------------------------|----------------------------|-----------------------|
| The Honourable | | | |
| Andreychuk, A. Raynell | Saskatchewan | Regina, Sask. | Conservative |
| Angus, W. David | Alma | Montreal, Que. | Conservative |
| Ataullahjan, Salma | Toronto—Ontario | Toronto, Ont. | Conservative |
| Baker, George S., P.C. | Newfoundland and Labrador | Gander, Nfld. & Lab. | Liberal |
| Boisvenu, Pierre-Hugues | La Salle | Sherbrooke, Que. | Conservative |
| Braley, David | Ontario | Burlington, Ont. | Conservative |
| Brazeau, Patrick | Repentigny | Maniwaki, Que. | Conservative |
| Brown, Bert | Alberta | Kathryn, Alta. | Conservative |
| Buth, JoAnne L. | Manitoba | Winnipeg, Man. | Conservative |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Liberal |
| Campbell, Larry W. | British Columbia | Vancouver, B.C. | Liberal |
| Carignan, Claude | Mille Isles | Saint-Eustache, Que. | Conservative |
| Champagne, Andrée, P.C. | Grandville | Saint-Hyacinthe, Que. | Conservative |
| Chaput, Maria | Manitoba | Sainte-Anne, Man. | Liberal |
| Charette-Poulin, Marie-P. | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. | Liberal |
| Cochrane, Ethel | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. | Conservative |
| Comeau, Gerald J. | Nova Scotia | Saulnierville, N.S. | Conservative |
| Cools, Anne C. | Toronto Centre-York | Toronto, Ont. | Independent |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Liberal |
| Cowan, James S. | Nova Scotia | Halifax, N.S. | Liberal |
| Dagenais, Jean-Guy | Victoria | Blainville, Que. | Conservative |
| Dallaire, Roméo Antonius | Gulf | Sainte-Foy, Que. | Liberal |
| Dawson, Dennis | Lauzon | Ste-Foy, Que. | Liberal |
| Day, Joseph A. | Saint John-Kennebecasis | Hampton, N.B. | Liberal |
| De Bané, Pierre, P.C. | De la Vallière | Montreal, Que. | Liberal |
| Demers, Jacques | Rigaud | Hudson, Que. | Conservative |
| Di Nino, Consiglio | Ontario | Downsview, Ont. | Conservative |
| Downe, Percy E. | Charlottetown | Charlottetown, P.E.I. | Liberal |
| Doyle, Norman E. | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Conservative |
| Duffy, Michael | Prince Edward Island | Cavendish, P.E.I. | Conservative |
| Dyck, Lillian Eva | Saskatchewan | Saskatoon, Sask. | Liberal |
| Eaton, Nicole | Ontario | Caledon, Ont. | Conservative |
| Eggleton, Art, P.C. | Ontario | Toronto, Ont. | Liberal |
| Fairbairn, Joyce, P.C. | Lethbridge | Lethbridge, Alta. | Liberal |
| Finley, Michael Douglas | Ontario—South Coast | Simcoe, Ont. | Conservative |
| Fortin-Duplessis, Suzanne | Rougemont | Quebec, Que. | Conservative |
| Fraser, Joan Thorne | De Lorimier | Montreal, Que. | Liberal |
| Frum, Linda | Ontario | Toronto, Ont. | Conservative |
| Furey, George | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Liberal |
| Gerstein, Irving | Ontario | Toronto, Ont. | Conservative |
| Greene, Stephen | Halifax - The Citadel | Halifax, N.S. | Conservative |
| Harb, Mac | Ontario | Ottawa, Ont. | Liberal |
| Hervieux-Payette, Céline, P.C. | Bedford | Montreal, Que. | Liberal |
| Housakos, Leo | Wellington | Laval, Que. | Conservative |
| Hubley, Elizabeth M. | Prince Edward Island | Kensington, P.E.I. | Liberal |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Liberal |
| Johnson, Janis G. | Manitoba | Gimli, Man. | Conservative |
| Joyal, Serge, P.C. | Kennebec | Montreal, Que. | Liberal |
| Kenny, Colin | Rideau | Ottawa, Ont. | Liberal |
| Kinsella, Noël A., <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton, N.B. | Conservative |

| Senator | Designation | Post Office Address | Political Affiliation |
|-----------------------------|---|-----------------------------------|--------------------------|
| Lang, Daniel | Yukon | Whitehorse, Yukon | Conservative |
| LeBreton, Marjory, P.C. | Ontario | Manotick, Ont. | Conservative |
| Losier-Cool, Rose-Marie | Tracadie | Tracadie-Sheila, N.B. | Liberal |
| Lovelace Nicholas, Sandra | New Brunswick | Tobique First Nations, N.B. | Liberal |
| MacDonald, Michael L. | Cape Breton | Dartmouth, N.S. | Conservative |
| Mahovlich, Francis William | Toronto | Toronto, Ont. | Liberal |
| Maltais, Ghislain | Shawinigan | Quebec City, Que. | Conservative |
| Manning, Fabian | Newfoundland and Labrador | St. Bride's, Nfld. & Lab. | Conservative |
| Marshall, Elizabeth (Beth) | Newfoundland and Labrador | Paradise, Nfld. & Lab. | Conservative |
| Martin, Yonah | British Columbia | Vancouver, B.C. | Conservative |
| Massicotte, Paul J. | De Lanaudière | Mont-Saint-Hilaire, Que. | Liberal |
| McCoy, Elaine | Alberta | Calgary, Alta. | Progressive Conservative |
| Mercer, Terry M. | Northend Halifax | Caribou River, N.S. | Liberal |
| Merchant, Pana | Saskatchewan | Regina, Sask. | Liberal |
| Meredith, Don | Ontario | Richmond Hill, Ont. | Conservative |
| Mitchell, Grant | Alberta | Edmonton, Alta. | Liberal |
| Mockler, Percy | New Brunswick | St. Leonard, N.B. | Conservative |
| Moore, Wilfred P. | Shenandoe St./South Shore | Chester, N.S. | Liberal |
| Munson, Jim | Ottawa/Rideau Canal | Ottawa, Ont. | Liberal |
| Nancy Ruth | Cluny | Toronto, Ont. | Conservative |
| Neufeld, Richard | British Columbia | Fort St. John, B.C. | Conservative |
| Nolin, Pierre Claude | De Salaberry | Quebec, Que. | Conservative |
| Ogilvie, Kelvin Kenneth | Annapolis Valley - Hants | Canning, N.S. | Conservative |
| Oliver, Donald H. | South Shore | Halifax, N.S. | Conservative |
| Patterson, Dennis Glen | Nunavut | Iqaluit, Nunavut | Conservative |
| Peterson, Robert W. | Saskatchewan | Regina, Sask. | Liberal |
| Plett, Donald Neil | Landmark | Landmark, Man. | Conservative |
| Poirier, Rose-May | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent, N.B. | Conservative |
| Poy, Vivienne | Toronto | Toronto, Ont. | Liberal |
| Raine, Nancy Greene | Thompson-Okanagan-Kootenay | Sun Peaks, B.C. | Conservative |
| Ringuette, Pierrette | New Brunswick | Edmundston, N.B. | Liberal |
| Rivard, Michel | The Laurentides | Quebec, Que. | Conservative |
| Rivest, Jean-Claude | Stadacona | Quebec, Que. | Independent |
| Robichaud, Fernand, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. | Liberal |
| Runciman, Bob | Ontario—Thousand Islands and Rideau Lakes | Brockville, Ont. | Conservative |
| St. Germain, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | Conservative |
| Segal, Hugh | Kingston-Frontenac-Leeds | Kingston, Ont. | Conservative |
| Seth, Asha | Ontario | Toronto, Ont. | Conservative |
| Seidman (Ripley), Judith G. | De la Durantaye | Saint-Raphaël, Que. | Conservative |
| Sibbeston, Nick G. | Northwest Territories | Fort Simpson, N.W.T. | Liberal |
| Smith, David P., P.C. | Cobourg | Toronto, Ont. | Liberal |
| Smith, Larry W. | Saurel | Hudson, Que. | Conservative |
| Stewart Olsen, Carolyn | New Brunswick | Sackville, N.B. | Conservative |
| Stratton, Terrance R. | Red River | St. Norbert, Man. | Conservative |
| Tardif, Claudette | Alberta | Edmonton, Alta. | Liberal |
| Tkachuk, David | Saskatchewan | Saskatoon, Sask. | Conservative |
| Unger, Betty E. | Alberta | Edmonton, Alta. | Conservative |
| Verner, Josée, P.C. | Montarville | Saint-Augustin-de-Desmaures, Que. | Conservative |
| Wallace, John D. | New Brunswick | Rothsay, N.B. | Conservative |
| Wallin, Pamela | Saskatchewan | Wadena, Sask. | Conservative |
| Watt, Charlie | Inkerman | Kuujuuaq, Que. | Liberal |
| White, Vernon | Ontario | Ottawa, Ont. | Conservative |
| Zimmer, Rod A. A. | Manitoba | Winnipeg, Man. | Liberal |

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(June 5, 2012)

ONTARIO—24

| Senator | Designation | Post Office Address |
|-----------------------------|---|---------------------|
| The Honourable | | |
| 1 Anne C. Cools | Toronto Centre-York | Toronto |
| 2 Colin Kenny | Rideau | Ottawa |
| 3 Consiglio Di Nino | Ontario | Downsview |
| 4 Marjory LeBreton, P.C. | Ontario | Manotick |
| 5 Marie-P. Charette-Poulin | Northern Ontario | Ottawa |
| 6 Francis William Mahovlich | Toronto | Toronto |
| 7 Vivienne Poy | Toronto | Toronto |
| 8 David P. Smith, P.C. | Cobourg | Toronto |
| 9 Mac Harb | Ontario | Ottawa |
| 10 Jim Munson | Ottawa/Rideau Canal | Ottawa |
| 11 Art Eggleton, P.C. | Ontario | Toronto |
| 12 Nancy Ruth | Cluny | Toronto |
| 13 Hugh Segal | Kingston-Frontenac-Leeds | Kingston |
| 14 Nicole Eaton | Ontario | Caledon |
| 15 Irving Gerstein | Ontario | Toronto |
| 16 Michael Douglas Finley | Ontario—South Coast | Simcoe |
| 17 Linda Frum | Ontario | Toronto |
| 18 Bob Runciman | Ontario—Thousand Islands and Rideau Lakes | Brockville |
| 19 David Braley | Ontario | Burlington |
| 20 Salma Ataullahjan | Toronto—Ontario | Toronto |
| 21 Don Meredith | Ontario | Richmond Hill |
| 22 Asha Seth | Ontario | Toronto |
| 23 Vernon White | Ontario | Ottawa |
| 24 | | |

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

| Senator | Designation | Post Office Address |
|---------------------------------|-----------------|-----------------------------|
| The Honourable | | |
| 1 Charlie Watt | Inkerman | Kuujuuaq |
| 2 Pierre De Bané, P.C. | De la Vallière | Montreal |
| 3 Jean-Claude Rivest | Stadacona | Quebec |
| 4 W. David Angus | Alma | Montreal |
| 5 Pierre Claude Nolin | De Salaberry | Quebec |
| 6 Céline Hervieux-Payette, P.C. | Bedford | Montreal |
| 7 Serge Joyal, P.C. | Kennebec | Montreal |
| 8 Joan Thorne Fraser | De Lorimier | Montreal |
| 9 Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire |
| 10 Roméo Antonius Dallaire | Gulf | Sainte-Foy |
| 11 Andrée Champagne, P.C. | Grandville | Saint-Hyacinthe |
| 12 Dennis Dawson | Lauzon | Ste-Foy |
| 13 Michel Rivard | The Laurentides | Quebec |
| 14 Patrick Brazeau | Repentigny | Maniwaki |
| 15 Leo Housakos | Wellington | Laval |
| 16 Suzanne Fortin-Duplessis | Rougemont | Quebec |
| 17 Claude Carignan | Mille Isles | Saint-Eustache |
| 18 Jacques Demers | Rigaud | Hudson |
| 19 Judith G. Seidman (Ripley) | De la Durantaye | Saint-Raphaël |
| 20 Pierre-Hugues Boisvenu | La Salle | Sherbrooke |
| 21 Larry W. Smith | Saurel | Hudson |
| 22 Josée Verner, P.C. | Montarville | Saint-Augustin-de-Desmaures |
| 23 Ghislain Maltais | Shawinigan | Quebec City |
| 24 Jean-Guy Dagenais | Victoria | Blainville |

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

| Senator | Designation | Post Office Address |
|--------------------------|--------------------------|---------------------|
| The Honourable | | |
| 1 Gerald J. Comeau | Nova Scotia | Saulnierville |
| 2 Donald H. Oliver | South Shore | Halifax |
| 3 Wilfred P. Moore | Stanhope St./South Shore | Chester |
| 4 Jane Cordy | Nova Scotia | Dartmouth |
| 5 Terry M. Mercer | Northend Halifax | Caribou River |
| 6 James S. Cowan | Nova Scotia | Halifax |
| 7 Stephen Greene | Halifax - The Citadel | Halifax |
| 8 Michael L. MacDonald | Cape Breton | Dartmouth |
| 9 Kelvin Kenneth Ogilvie | Annapolis Valley - Hants | Canning |
| 10 | | |

NEW BRUNSWICK—10

| Senator | Designation | Post Office Address |
|------------------------------------|--|-----------------------|
| The Honourable | | |
| 1 Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury | Fredericton |
| 2 Rose-Marie Losier-Cool | Tracadie | Tracadie-Sheila |
| 3 Fernand Robichaud, P.C. | Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 4 Joseph A. Day | Saint John-Kennebecasis, New Brunswick | Hampton |
| 5 Pierrette Ringuette | New Brunswick | Edmundston |
| 6 Sandra Lovelace Nicholas | New Brunswick | Tobique First Nations |
| 7 Percy Mockler | New Brunswick | St. Leonard |
| 8 John D. Wallace | New Brunswick | Rothsay |
| 9 Carolyn Stewart Olsen | New Brunswick | Sackville |
| 10 Rose-May Poirier | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent |

PRINCE EDWARD ISLAND—4

| Senator | Designation | Post Office Address |
|-------------------------|----------------------|---------------------|
| The Honourable | | |
| 1 Catherine S. Callbeck | Prince Edward Island | Central Bedeque |
| 2 Elizabeth M. Hubley | Prince Edward Island | Kensington |
| 3 Percy E. Downe | Charlottetown | Charlottetown |
| 4 Michael Duffy | Prince Edward Island | Cavendish |

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

| Senator | Designation | Post Office Address |
|------------------------|-------------|---------------------|
| The Honourable | | |
| 1 Janis G. Johnson | Manitoba | Gimli |
| 2 Terrance R. Stratton | Red River | St. Norbert |
| 3 Maria Chaput | Manitoba | Sainte-Anne |
| 4 Rod A. A. Zimmer | Manitoba | Winnipeg |
| 5 Donald Neil Plett | Landmark | Landmark |
| 6 JoAnne L. Buth | Manitoba | Winnipeg |

BRITISH COLUMBIA—6

| Senator | Designation | Post Office Address |
|---------------------------|----------------------------|---------------------|
| The Honourable | | |
| 1 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge |
| 2 Mobina S. B. Jaffer | British Columbia | North Vancouver |
| 3 Larry W. Campbell | British Columbia | Vancouver |
| 4 Nancy Greene Raine | Thompson-Okanagan-Kootenay | Sun Peaks |
| 5 Yonah Martin | British Columbia | Vancouver |
| 6 Richard Neufeld | British Columbia | Fort St. John |

SASKATCHEWAN—6

| Senator | Designation | Post Office Address |
|-------------------------|--------------|---------------------|
| The Honourable | | |
| 1 A. Raynell Andreychuk | Saskatchewan | Regina |
| 2 David Tkachuk | Saskatchewan | Saskatoon |
| 3 Pana Merchant | Saskatchewan | Regina |
| 4 Robert W. Peterson | Saskatchewan | Regina |
| 5 Lillian Eva Dyck | Saskatchewan | Saskatoon |
| 6 Pamela Wallin | Saskatchewan | Wadena |

ALBERTA—6

| Senator | Designation | Post Office Address |
|-------------------------|-------------|---------------------|
| The Honourable | | |
| 1 Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 2 Claudette Tardif | Alberta | Edmonton |
| 3 Grant Mitchell | Alberta | Edmonton |
| 4 Elaine McCoy | Alberta | Calgary |
| 5 Bert Brown | Alberta | Kathryn |
| 6 Betty E. Unger | Alberta | Edmonton |

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

| Senator | Designation | Post Office Address |
|-----------------------------|---------------------------|---------------------|
| The Honourable | | |
| 1 Ethel Cochrane | Newfoundland and Labrador | Port-au-Port |
| 2 George Furey | Newfoundland and Labrador | St. John's |
| 3 George S. Baker, P.C. | Newfoundland and Labrador | Gander |
| 4 Elizabeth (Beth) Marshall | Newfoundland and Labrador | Paradise |
| 5 Fabian Manning | Newfoundland and Labrador | St. Bride's |
| 6 Norman E. Doyle | Newfoundland and Labrador | St. John's |

NORTHWEST TERRITORIES—1

| Senator | Designation | Post Office Address |
|---------------------|-----------------------|---------------------|
| The Honourable | | |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson |

NUNAVUT—1

| Senator | Designation | Post Office Address |
|-------------------------|-------------|---------------------|
| The Honourable | | |
| 1 Dennis Glen Patterson | Nunavut | Iqaluit |

YUKON—1

| Senator | Designation | Post Office Address |
|----------------|-------------|---------------------|
| The Honourable | | |
| 1 Daniel Lang | Yukon | Whitehorse |

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DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT •

VOLUME 148

• NUMBER 86

OFFICIAL REPORT
(HANSARD)



Wednesday, June 6, 2012

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, June 6, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

MR. DHONDUP WANGCHEN

TIBETAN POLITICAL PRISONER

Hon. Mobina S.B. Jaffer: Honourable senators, yesterday our colleagues Senator Munson and Senator Di Nino spoke articulately about Tiananmen Square in China. I rise today to speak about the case of Mr. Dhondup Wangchen, a Tibetan political prisoner who was unjustly detained on March 26, 2008.

Mr. Dhondup Wangchen, who is an acclaimed filmmaker, has spent the past four years of his life in detention for simply providing the people of Tibet with an outlet to freely and openly express their views on the upcoming Beijing Olympics. These interviews provided the basis for Mr. Wangchen's world-renowned film entitled *Leaving Fear Behind*, which has been described by the *New York Times* as "an unadorned indictment of the Chinese government."

The footage that Mr. Wangchen captured reveals with stark reality how the Tibetan people are frustrated and embittered by the deterioration and marginalization of the Tibetan language and culture; the lack of religious freedoms; and the broken promises of the Chinese government to improve the conditions in Tibet in the run-up to the Olympic Games. Our own Prime Minister Stephen Harper has also been supportive of the Dalai Lama and the Tibetan people.

I have met with members of the Tibetan-Canadian communities and listened with a heavy heart as they spoke about the oppression and persecution their brothers and sisters in Tibet continue to face every day.

During this meeting I had the opportunity to hear of Mr. Dhondup Wangchen's wife, Lhamo Tso, who had travelled with members of the Tibetan committee to meet with various parliamentarians to ask for help in demanding justice for her husband. Lhamo Tso's undying dedication as a wife of a political prisoner and as a Tibetan has led her to countries around the world to call on the international community to stand up for her husband and hundreds of prisoners inside Tibet.

Currently Mr. Wangchen is experiencing deteriorating health conditions while serving a six-year sentence imposed on him by the Chinese government without a fair trial. Poor living conditions and torture have led him to contract hepatitis B, which is the biggest concern for his wife, his four children and his supporters around the world. Amnesty International has corroborated reports that Mr. Wangchen is being denied proper medical treatment and that his condition is worsening.

Honourable senators, I urge you all to join me in requesting the release of Dhondup Wangchen and in supporting a global multilateral forum on Tibet in response to the grievances of the Tibetan people in their desire for freedom and the return of the Dalai Lama to Tibet.

I would like to conclude with a statement made in 2010 by His Holiness the Dalai Lama, which I am confident Mr. Wangchen's supporters and Tibetans around the world will find great solace in:

Despite the great hardships Tibetans have faced for many decades, they have been able to keep up their courage and determination, preserve their compassionate culture and maintain their unique identity. I salute the courage of those Tibetans still enduring fear and oppression.

Whatever circumstances we find ourselves in, it is the responsibility of all Tibetans to maintain equality, harmony and unity among the various nationalities, while continuing to protect our unique identity and culture.

DR. FRANCIS WILLIAM SCHOFIELD

Hon. Yonah Martin: Honourable senators, I rise today to remember one man who risked his own life to save a nation — a great Canadian by the name of Dr. Francis William Schofield. To this day, he remains the only foreign national to be buried in the National Independent Hero Cemetery in Seoul, Korea.

[Translation]

Dr. Schofield was born in 1889, in Rugby, Warwickshire County, England. In 1907, he immigrated to Canada, where he began his university career at the University of Toronto and earned a doctorate in veterinary science. Dr. Schofield married a young pianist named Alice. Shortly after their wedding, they embarked on an extended trip to Korea in 1916.

[English]

Being one of the first Presbyterian missionaries in Korea, Dr. Schofield contributed to the medical advancement of Korea in significant ways through his teachings of bacteriology and sanitation at Severance Medical School. Dr. Schofield is equally known for his genuine compassion — he connected with the hearts of Koreans, understanding and feeling their anguish during the hard times of Japanese occupation — and for risking his life by openly opposing the Japanese.

[Translation]

Dr. Schofield actively helped the Koreans during the March 1, 1919, Independence Movement and caused so many problems for the Japanese authorities that he was deported to Canada in 1920.

• (1340)

He was not authorized to return to Korea until 1958 at the official invitation of President Syngman Rhee. Upon returning to Korea, Dr. Schofield continued his good work by teaching at Seoul National University and running two Korean orphanages until his death in 1970.

[English]

Dr. Schofield's legacy in Korea lives on amidst a solid foundation of medical knowledge and the wonderful works of fine Korean leaders, most notably Dr. Chung Un-Chan, President of Seoul National University and former Prime Minister of Korea, whom Dr. Schofield mentored over the course of his teaching career. I would like to acknowledge and commend the Dr. Schofield Memorial Foundation and its members for their tireless efforts in ensuring this important Canadian and Korean hero is not forgotten. With their vision and persistence, Schofield Memorial Garden, within the Toronto Zoo, successfully opened on June 1, 2012.

Dr. Schofield said love must transcend national and racial boundaries. He deserves to be remembered by all Canadians for embodying, in his life and conduct, the essence of what Canada stands for today.

HON. CATHERINE S. CALLBECK

CONGRATULATIONS ON FAMOUS 5
FOUNDATION HONOUR

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to our colleague, the Honourable Senator Catherine Callbeck. Yesterday, at a luncheon convened by the Famous 5 Foundation, she was honoured in celebration of her leadership on behalf of women and for being the first elected female premier in the history of Canada.

The moderator of this event was Maureen McTeer, and Senator Callbeck's co-honourees were Deborah Grey, the first Reform Party member elected to the House of Commons; and Audrey McLaughlin, the first female leader of a political party, the NDP, in the House of Commons.

I would like to share with you some of Senator Callbeck's trail-blazing achievements. She was the second woman ever elected to the Legislative Assembly of Prince Edward Island. That was in 1974, as a member for the Fourth District of Prince. She served as the first female Minister of Health and Social Services, Minister Responsible for the Disabled and Minister Responsible for the Non-Status Indians of Prince Edward Island.

She was the first woman elected as the member of the House of Commons to represent the constituency of Malpeque, in 1988. She was elected Leader of the Liberal Party of Prince Edward Island on January 23, 1993, and was sworn in as premier two years later.

She was elected as the member of the First District of Queens in the P.E.I. general election of March 29, 1993, and was thus the first woman to be elected premier in the history of Canada.

She is the recipient of an honorary Doctorate of Laws degree from her alma mater, Mount Allison University, in Sackville, New Brunswick. She was named sponsor of HMCS *Charlottetown*. In 1996, she left provincial politics and returned to work in her family's business.

On September 23, 1997, the Right Honourable Jean Chrétien called her to the Senate of Canada.

Since being in the Senate, she has poured herself into the work of numerous committees and the causes of her fellow Islanders and Canadians. Perhaps her work of most longevity and encouragement for women has been the report she produced as co-chair of the Prime Minister's Task Force on Women Entrepreneurs, in 2003.

In 1997, in recognition of her unselfish community service, Senator Callbeck was awarded the Rural Beautification Shaw Award, for her contribution to the enhancement of rural life on her beloved island.

On November 21, 2006, she was named one of Canada's "Top 100 Most Powerful Women" by the Women's Executive Network, and, on June 10, 2008, she was an inaugural inductee into the Canadian Women in Politics Hall of Fame.

In March 2011 she was honoured by Equal Voice as a Trailblazer at its National Recognition reception in Ottawa.

In June 2011 she was inducted into the Junior Achievement Business Hall of Fame of Prince Edward Island.

Senator Callbeck, yours is an extraordinary record of achievement, and you are an exemplary role model for women in Canada.

We are all very proud of you, and we know that you are not finished your leading work. We congratulate you for the most deserved recognition that you received yesterday from the Famous 5 Foundation.

Hon. Senators: Hear, hear!

[Translation]

AGRICULTURAL RESEARCH CENTRES IN QUEBEC

Hon. Ghislain Maltais: Honourable senators, last winter, the agriculture committee, of which I am a member, had the opportunity to visit leading research centres in Quebec affiliated with the Université de Montréal and the Université Laval. These research centres specialize in agricultural innovation.

The chair of the agriculture committee, Senator Mockler, along with Senators Buth, Mercer, Mahovlich, Plett and me, witnessed the research in agricultural innovation taking place in Quebec.

Yesterday I had the privilege of standing in for the Minister of State for Agriculture, the Honourable Christian Paradis, to announce a \$13 million investment in an organic agriculture centre. Research in agricultural innovation will enable Quebec and all research centres in Canada to work together to address the challenges facing the entire world.

All countries must leverage agriculture. Canada is doing very well in the agricultural sector, but we must not rest on our laurels. We must prepare for the coming decades.

Honourable senators, I would also like to salute all of the researchers working behind the scenes, spending their days with test tubes, repeating experiments over and over. How many of them do we see on the news or on the front page of the newspaper? Hardly any. Progress in the agricultural sector depends on these tenacious researchers, some of whom devote their whole lives to microbiology and other agricultural specialties.

Honourable senators, the Government of Canada was pleased to work with the Government of Quebec and share the cost — on a 60:40 basis — of building this centre, which will develop the whole field of organic agriculture and organic crop production in Canada, likely more quickly than planned.

I also want to note that these investments are part of the economic action plan of the Prime Minister of Canada, which will continue to promote research and technology in the agriculture of tomorrow.

[English]

D-DAY

SIXTY-EIGHTH ANNIVERSARY

Hon. Hugh Segal: Honourable senators, some 68 years ago, earlier this morning, on June 6, 1944, ships of the Royal Canadian Navy, landing craft, and thousands of young Canadians deployed, in defence of freedom and civilization, to begin the liberation of France.

D-Day was not just a focus of Allied cooperation against an enemy whose boot had crushed freedom and civility throughout Europe. It was an act of will, courage and determination by young Canadians from every part of this country.

[Translation]

They were from the Atlantic provinces, the Western provinces, and Ontario. They were volunteers, Canadian Forces professionals, French Canadians, Quebecers, English Canadians and Scots. They came from all over.

[English]

Yet, they all wore the Canada flash on their soldier's uniforms. They were not French Canadian. They were not English Canadian. They were not Polish or Ukrainian Canadians. They were simply Canadian, fighting and dying for freedom on that day.

• (1350)

If one goes now to those beaches to visit some of the towns in that part of France, one sees that every little town has a Boulevard des Canadiens, because they remember how different regiments and organizations engaged to liberate their town, to give them back their freedom, and to chase the Nazis — the worst scourge that civilization ever faced — from la patrie française so that Europe could be free.

[Senator Maltais]

All honourable senators can think of people in their communities who were a part of D-Day — a generation that has begun to die of natural causes. I still have an uncle, who is 87 years young. He was part of the Italian campaign with the 4th Princess Louise Dragoon Guards. We can think of those in our communities who were connected, sitting by their radios to hear the reports. Everyone should reflect on how they owe that generation — those who fought and planned, those who were in the ships of the Royal Canadian Navy and in the Air Force, and those who landed on the beaches — a debt that we can never ever adequately describe.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2012-13

MAIN ESTIMATES—TENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to present, in both official languages, the tenth report of the Standing Senate Committee on National Finance on the expenditures set out in the 2012-2013 Main Estimates for the fiscal year ending March 31, 2013.

(On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

FEDERAL CONTRACTORS PROGRAM

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government.

Madam leader, clause 602 of omnibus Bill C-38 deletes a section of the Employment Equity Act that required contractors to comply with employment equity under the Federal Contractors Program. This measure will adversely affect access to employment for women, persons with disabilities, Aboriginal peoples and visible minorities.

The government is abandoning those who face the most discrimination in our society, because businesses are no longer required to be civic-minded. The government no longer feels compelled to deliver social justice. In my opinion, the government's guiding ethic is every man for himself and God for us all.

How can the minister justify such a regressive, archaic and senseless decision that will throw away 25 years of economic and social progress?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the government's objective is to move forward and make the required changes to the Employment Insurance Act and other acts to implement the budget implementation bill. These areas require addressing to be in line with jobs, the economy and the long- and short-term prosperity of the country.

The government's top priority, as I have said in this place many times, is the economy. The government has seen Canadians participate in the job market to the tune of 750,000 net new jobs since July 2009. The government recognizes that some people are having difficulty finding work and we are making changes to the system and providing information to these people to help them find appropriate employment.

Many aspects of many acts are from many years ago and are no longer relevant to the present-day needs of Canadians. This is not a regressive step, but a progressive step, moving the Employment Insurance requirements into the modern age and dealing with the issues that Canadians want us to deal with: jobs, the economy and securing their short- and long-term prosperity.

Senator Hervieux-Payette: Honourable senators, clause 602 of the Conservative government's omnibus bill, Bill C-38, removes a section of the Employment Equity Act that requires contractors to comply with employment equity in the Federal Contractors Program — a measure initiated by the Mulroney government. This measure will have a negative impact on the employment access of women, the disabled, Aboriginals and visible minorities. This government is abandoning the most discriminated against members of Canadian society and throwing away 25 years of social and economic progress.

Why does the Conservative government not want to enforce the Employment Equity Act for the Federal Contractors Program, considering it regroups roughly 1,700 contractors who employ more than 1.1 million Canadians? Which group in society will the leader's government target next and not give the chances they deserve under the Charter of Rights?

Senator LeBreton: Fundamentally, I disagree with what the honourable senator says. She is quite wrong in her assertion that measures being taken by the government in any way impede the ability of low-income Canadians, women and Aboriginals to have access to high-quality jobs. Everything the government has done points to the opposite, including significant resources being put into education in Aboriginal communities.

So many policies put in place in the 1970s and 1980s are no longer relevant to the modern age. The government has numerous programs to help many people find employment and retraining, in particular, Aboriginals. There are also many programs for older workers in terms of retraining and ensuring that the labour force suits the modern needs of the labour market.

Senator Hervieux-Payette: I do not think it is obsolete. Each year, 50 new contractors join the Federal Contractor's Program. I want to know from the leader the real reason for clause 602, which abolishes the obligation for contractors to respect employment equity. All these companies with 100 employees or more and contracts of \$200,000 or more should have this contract with the government. It should not be something that the government decides on the spur of the moment.

Senator LeBreton: Again, the honourable senator and I philosophically disagree. The government's aim is to ensure that all Canadians, no matter their walk of life or where they live, be they male, female, Aboriginal, low income or other, have an entitlement. They are entitled to have programs available to them through the Employment Insurance program and the various other programs the government has initiated, including education and training. We have done much work with universities and trade schools to ensure that our workforce — men, women, young, old, Aboriginal and non-Aboriginal — have the facilities available to them to learn the skills and find the jobs that they need.

• (1400)

By the way, as we see from many studies, we do have a shortage of skilled labourers in this country. We are aiming to equip all citizens with the skills to enable them to take the jobs that are available here.

FOREIGN AFFAIRS

AFGHANISTAN—WOMEN'S RIGHTS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Afghanistan is one of the most difficult places in the world to be a girl, a young woman or a woman. Of 4 million young Afghans attending school, only one quarter are girls. In Kabul, only half of girls under 18 go to school. Outside of Kabul, only 9 per cent of girls under 18 go to school.

I was extremely pleased to see that on May 23, 2012, Minister Baird and Minister Oda released a statement condemning the cowardly and senseless acts of violence against innocent schoolgirls and their teachers. I commend both honourable ministers for standing up for the rights of women and girls living in Afghanistan. Access to education is a basic and fundamental human right, one to which all girls in all parts of the world are entitled.

Investing in the future of Afghan children and youth through development programs in education and health is one of Canada's four priorities in Afghanistan. How much time, money and resources have we invested in achieving this priority? What are our plans for the future?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I believe that the honourable senator asked me a similar question about resources some time ago and I undertook to provide that information by delayed answer. I apologize if we have not done that. I will look into it.

The plight of women in Afghanistan is of great concern to the government, as indicated by the actions and statements of Ministers Baird and Oda. The Afghan code of conduct, which describes women as secondary, is something that no modern society can tolerate. Afghanistan must uphold the provisions of its constitution, which establishes equal rights for men and women, and respect its obligations under international law.

There is a very complicated and changing dynamic in that country, but Afghan women deserve to be treated as equals. Protecting and promoting human rights in Afghanistan, particularly for women and girls, is a core element of our government's ongoing commitment and engagement there. All civilized societies are shocked by incidents such as occurred recently at a school for young Afghan girls.

I will undertake to provide Senator Jaffer with the details of the programs and their costs.

Senator Jaffer: Honourable senators, I appreciate the leader's efforts to provide that information. Will she also provide information on Resolution 1325? As the leader well knows, we led this initiative in the United Nations and our Armed Forces are doing training on Resolution 1325.

Will the leader find out how much training we are doing with the Afghan security forces, what kind of resources we are investing, and whether we are doing training on rape investigations?

Senator LeBreton: Honourable senators, I will do my best to provide all the information available on the programs we have in place surrounding Resolution 1325.

Senator Jaffer: Finally, honourable senators, what steps are we taking to ensure that the small advances we have made in the education of girls are not destroyed when we leave Afghanistan?

Senator LeBreton: That is a dilemma for anyone in Afghanistan, considering some of the things that we witnessed while there. I am sure that guarantees will be sought. Having said that, we are sometimes within our rights to be very concerned about commitments being followed through on. I will definitely get that information.

CITIZENSHIP AND IMMIGRATION

CITIZENSHIP CEREMONY AT SUN NEWS NETWORK

Hon. Jim Munson: Honourable senators, my question is directed to the Leader of the Government in the Senate. In February I asked her about the fake citizenship ceremony that her government staged for Sun News Network last fall. To remind honourable senators, this was the event that purportedly featured 10 new Canadians reciting the citizenship oath. Six of those individuals, as we know now, were in fact employees of Citizenship and Immigration Canada and not new Canadians. The event was arranged by civil servants in Toronto in response to a request from the minister's office. Departmental officials, who love television, stepped in when they were unable to find 10 new Canadians who were willing or able to participate.

There are now new details around this unusual event. At the time, both the immigration minister's office and Sun News denied any knowledge of the bureaucrats' participation. We learned this week, however, that the network was indeed informed prior to the ceremony. Documents released to the Canadian Press show that talking points approved by the deputy minister state that:

Sun Media was informed that only three new citizens showed up for the reaffirmation ceremony. As anyone can reaffirm their citizenship, Sun Media was given the choice of also having CIC staff in the shot to reaffirm their citizenship.

That is good, because if you are a Canadian, you are a Canadian, I guess.

In the talking points they say:

They chose to have more people in the shot than less. It was our honest understanding that Sun TV recognized that these additional people were CIC employees.

When asked by the Canadian Press, Minister Kenney's spokeswoman clarified that their office became aware of the department's position after the apology was made to Sun News, adding:

... we did not feel we could say at the time that Sun was aware of the arrangement. ... Like most journalists, we try to have more than one source for any fact we rely on.

Why is the leader's government choosing to dismiss its own officials? Does the minister ever talk to his deputy minister about anything?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I noticed that in the news yesterday — and now I am putting Senator Munson in the same league as Jennifer Ditchburn at the Canadian Press — and I commented to my colleagues here that on a day when the world, the Commonwealth and Canada were celebrating the Queen's Diamond Jubilee, when a major arrest had taken place in Berlin, when another major arrest had taken place in Toronto with regard to a very serious incident at the Eaton Centre, those stories came nowhere near a lead story by Jennifer Ditchburn and the Canadian Press on an old story about a citizenship ceremony.

I find that interesting. It shows what is important to some people.

This story simply confirmed that neither the minister nor his office had any idea that public servants were taking part in the ceremony. The minister's office often speaks to his officials. They have spoken to departmental officials to ensure that this type of incident does not happen again.

• (1410)

Senator Munson: Honourable senators, first, Jennifer Ditchburn is a respected journalist for the Canadian Press and she is doing her job. Yes, there are serious issues like Her Majesty the Queen's Diamond Jubilee, serious issues dealing with the arrest of that strange person from Montreal who did awful things

and, yes, news stories about Toronto. There are news stories every day, but there is more than just one story on the front page or inside a newspaper.

With this particular story dealing with this fake ceremony, the question is why would government bureaucrats, particularly these bureaucrats today living under King Tut or the heavy-handed regime of this government, not do things on their own? They are being thrown out, tossed away as anonymous bureaucrats doing something wrong. The bottom line is that something wrong was done in terms of a fake ceremony and throwing in Canadian citizens to be part of it. Can the leader reassure us that this sort of fake thing will never happen again?

Senator LeBreton: I was simply making a reference to Jennifer Ditchburn and the placement of the story in relation to other important events.

The story simply proves that the minister was not aware of the incident when it occurred. That is the story. The honourable senator falls into this trap of ascribing all kinds of motives to our government.

We have a Prime Minister, honourable senators, who did not go out into a crowd and strangle someone who disagreed with him. We do not have a Prime Minister who, because a public official refused his orders, set about to destroy his life. I think the honourable senator better get things in perspective before he starts throwing around charges.

Senator Munson: I will get things into perspective. Does the leader feel that Sun Media, this news organization or alleged news organization — that propaganda arm of this Conservative Government of Canada, which it is not progressive by any means — operating with bureaucrats, owes an apology to all Canadians, especially immigrants, new Canadians in this country for what they did in misrepresenting? Does she think that Sun Media is being a responsible news organization?

Forget the CBC stuff. You guys are very good at character assassination, for example, taking up Jennifer Ditchburn's name. Here we have an accomplished journalist doing her job under access to information, doing what she must as a journalist. She has to dig deep into personal stories. Does the leader believe that Sun Media, that alleged news organization, owes an apology to the country?

Senator LeBreton: I can see that I really did touch a sore spot there.

I was commenting on the profile this non-story was given by an individual with a major news organization, Canadian Press, when there were so many things going on during that particular news day. That was my comment on Jennifer Ditchburn.

With regard to Sun Media, again the honourable senator chose to attack it as having motives that none of us are aware of here. I can only respond that I am here as the Leader of the Government in the Senate to answer for the government, not for Sun Media or any other media organization.

Senator Munson: Does the leader condone this kind of behaviour in the journalistic world by Sun Media — if they are working with senior bureaucrats — of faking something like this? It is fraudulent.

By the way, CP has more than one reporter covering other news events, and they are probably covering the events the leader mentioned. Does she condone this kind of thing?

Senator LeBreton: Try as Senator Munson might, I know this particular story is of great interest to him. All I can say is that the story simply confirmed something that I said, and we all said, in this place when it happened: The minister nor his office was aware of this incident. It is not for me to offer any comment beyond that. I am here to answer for the government.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

Hon. Wilfred P. Moore: Honourable senators, aside from the leader's answer, I am amazed that her personal values would not drive her to answer "yes" to Senator Munson's question. If she cannot answer that, it is pretty poor.

Yesterday, in response to questions by Senator Mitchell with regard to the RCMP, the leader said:

The honourable senator would understand that the RCMP operates independent of government.

Can we understand that the Canada Border Services Agency also operates independent of government?

Hon. Marjory LeBreton (Leader of the Government): First, honourable senators, I need no lessons from Senator Moore on personal values.

The fact is that the RCMP does operate independently. I am not sure what the honourable senator's line of questioning is in regard to Canada Border Services Agency. Perhaps he could ask the question and then maybe I will attempt to provide an answer.

Senator Moore: Does it operate independent of government as does the RCMP?

Senator LeBreton: I believe that the Canada Border Services Agency is part of the Department of Public Safety. I am not up to date on the specific mandate of the CBSA. It is much more complicated and there are many other areas that fall under the Canada Border Services Agency. I will be happy to get Senator Moore the mandate of the CBSA and provide it by written response.

Senator Moore: The leader mentions that they operate under the Department of Public Safety. Does the RCMP operate under that umbrella as well?

Senator LeBreton: Obviously, the RCMP is a standalone agency, but the minister ultimately responsible for answering in Parliament is the Minister of Public Safety.

[Translation]

Senator Moore: The reason I ask the question, honourable senators, is that I heard what the leader said yesterday. I would like to think it is correct that the RCMP does operate independently of government and I would like to believe that the Canada Border Services Agency does the same. In response to a question in the Banking Committee that I put to an officer within the Canada Border Services Agency with regard to its relationship to the RCMP, I did not understand why the answer came back from the minister. I do not know why the appropriate officer or his or her supervisor in that agency would not have answered the question, as happens with other officials who appear before committees as witnesses.

Senator LeBreton: My honourable friend finally gets around to the convoluted reason for asking the question.

I was not part of the committee, but obviously when ministers appear before committees, they often appear with their officials. I have participated in many committees over the years, where questions are asked of the ministers and officials, and often questions are answered. The minister ultimately responsible for answering for the department will answer the question or will engage one of the officials with regard to an answer.

Honourable senators, what does this have to do with what we are dealing with here? If the honourable senator is asking for the specific mandate of responsibilities of CBSA, as I indicated, I would be happy to provide them. However, I cannot — and I hope the honourable senator would not expect me to — answer for every question that every senator puts to witnesses in every committee in the Senate of Canada.

• (1420)

Senator Moore: I am not asking the leader to do things she cannot do. This was not a situation where the minister was present and therefore would be answering the questions that were put to an officer of that given agency.

Is it a policy of the leader's government that the minister only sends replies to committees of the Senate when questions are asked of officials within the departments?

Senator LeBreton: It has been a policy of governments going back many, many years, Liberal and Conservative, that ultimately ministers answer for the departments.

Senator Moore: I know, honourable senators, that ultimately they do, but that does not answer my question.

Is it a policy of the leader's government that ministers only vet answers and submit answers to questions put by committees of the Senate?

Senator LeBreton: As far as I know, the policy of this government is the same as the policy of all governments, including Liberal governments, that ministers ultimately answer for their departments.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the answer to the oral question asked by the Honourable Senator Hervieux-Payette on February 7, 2012, concerning support for Canadian companies; the answer to the oral question asked by the Honourable Senator Lovelace Nicholas on April 26, 2012, concerning the Community Access Program; and the answer to the oral question asked by the Honourable Senator Cordy on April 26, 2012, concerning the Community Access Program.

INDUSTRY

SUPPORT FOR CANADIAN COMPANIES

(Response to question raised by Hon. Céline Hervieux-Payette on February 7, 2012)

The Government of Canada recognizes that the information and communications technologies (ICT) sector is very important to the Canadian economy, it is the country's largest research and development performing sector. Additionally, we recognize the significant contribution of Research in Motion (RIM) to the ICT industry in Canada.

To sustain a competitive business environment, the government has put a number of measures in place, such as low corporate tax rates, reductions of administrative red tape and unnecessary regulations, and supports the development of a skilled workforce. The Government of Canada also supports an innovative economy and the creation of high quality jobs through investments in research, development and risk capital.

The *Jobs, Growth and Long-term Prosperity Act* announced significant new funding for direct support of research and development in response to the Expert Panel's Report that reviewed federal support of research and development that will directly support Canada's ICT sector. This included: 1) adding \$110 million to double the base funding for the National Research Council's Industrial Research Assistance Program; 2) scaling up to \$40 million a year the Public Works and Government Services Canada's Canadian Innovation Commercialization Program; 3) adding \$7 million a year to the Industrial Research & Development Internship Program; and, 4) investing \$400 million to help increase private sector investments in early-stage risk capital, and to support the creation of large-scale venture capital funds led by the private sector.

Together, these measures will attract further foreign investment, strengthen Canada's economy and create more high-paying jobs.

COMMUNITY ACCESS PROGRAM

(Response to question raised by Hon. Sandra Lovelace Nicholas on April 26, 2012)

Aboriginal Affairs and Northern Development Canada (AANDC) is working with other federal departments, provinces and the private sector to improve broadband access within First Nation communities. The First Nation Infrastructure Fund supports First Nation proposals to enhance communities' access to the Internet. AANDC also supports a number of First Nation Regional Management Organizations which provide comparable activities that enhance the effectiveness of classroom instruction through the development and enhancement of technological knowledge in the school.

For Canadians who have been using a Community Access Program (CAP) site to access federal government services and are seeking alternatives to these sites, Service Canada offers single window access to a wide range of federal programs and services for citizens through more than 600 points of service located across the country.

Schools, libraries and not-for-profit learning organizations will continue to benefit from other federal initiatives such as the Computers for Schools (CFS) Program. Free computers will still be available through the federal government's CFS program which collects, repairs and refurbishes donated surplus computers from government and private sector sources, and distributes them to schools, public libraries and not-for-profit learning organizations throughout Canada.

Most CAP sites are not dependent exclusively on federal funding, so it is likely that a certain proportion of former CAP sites will continue to stay open. Furthermore, equipment which was obtained by a site or CAP recipient through CAP funding, such as computers, will remain the property of each CAP site.

Most public libraries across the country now provide Internet access, and often some related services, as part of their regular business. Certain colleges, schools, and community centres also provide public Internet access.

The Government of Canada will also continue to support the funding of youth internships at community Internet sites. This will provide young Canadians with vital skills and work experience needed to make a successful transition to the workplace and provide assistance and coaching to community organizations and individuals to improve their ICT-related skills. Former CAP-supported sites will continue to be eligible for this funding.

(Response to question raised by Hon. Jane Cordy on April 26, 2012)

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[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, just before calling for Orders of the Day, might I draw your attention to the presence in the gallery of a distinguished delegation from the United Republic of Tanzania. The delegation is led by the Honourable Christopher Ole Sendeka, Vice Chair of the Tanzanian Parliamentary Committee on Privileges, Ethics and Powers. He is accompanied by His Excellency Alex Crescent Massinda, High Commissioner for the United Republic of Tanzania to Canada; the Honourable Riziki Omar Juma; the Honourable Said Amour Arfi; the Honourable Dr. Christine Ishengoma; the Honourable Captain John Chiligati; the Honourable Augustino M. Masele; and the Honourable Augustino Lyatonga Mrema.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that as we proceed with government business, the Senate will address the items in the following order: one, motion No. 38; two, the other items of government business as they appear on the Order Paper.

CONGRATULATORY ADDRESS TO HER MAJESTY QUEEN ELIZABETH II ON ANNIVERSARY OF SIXTY YEARS OF REIGN

MESSAGE FROM COMMONS CONCURRED IN

The Senate proceeded to consideration of the Message from the House of Commons in the following words:

Monday, June 4, 2012

RESOLVED,—That an humble Address be presented to Her Majesty the Queen in the following words:

TO THE QUEEN'S MOST EXCELLENT MAJESTY:

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's loyal and dutiful subjects, the House of Commons of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the sixtieth year of Your reign.

The People of Canada have often been honoured to welcome Your Majesty and other members of the Royal Family to our land during Your reign, and have witnessed directly Your inspiring example of devotion to duty and unselfish labour on behalf of the welfare of Your People in this country and in the other nations of the Commonwealth.

In this, the Diamond Jubilee year of your reign as Queen of Canada, we trust that Your gracious and peaceful reign may continue for many years and that Divine Providence will preserve Your Majesty in health, in happiness and in the affectionate loyalty of Your people.

ORDERED,—That the said Address be engrossed; and

That a Message be sent to the Senate informing their Honours that this House has adopted the said Address and requesting their Honours to unite in the said Address by filling up the blanks with the words "the Senate and".

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I move:

That the Senate do agree with the House of Commons in the said Address by filling up the blank spaces left therein with the words "the Senate and"; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Honourable senators, it is a special honour for me to rise today to pay tribute to Her Majesty the Queen of Canada on the sixtieth anniversary of her accession to the throne and reign as head of the Commonwealth.

Over 60 years ago, in February 1952, a few months before her twenty-sixth birthday, while travelling in Kenya, Princess Elizabeth learned of the death of her beloved father, King George VI, which caused her accession to the throne. Her official coronation took place over a year later, on June 2, 1953.

On a personal note, I have two vivid and distinct memories of these two occasions. I remember the day King George VI died; my mother was rolling crusts for pies she was making, with tears streaming down her face, as somber music and hymns played on CBC Radio.

In June of 1953, I gathered at a local school and watched the coronation, and of course it was the first time in my life that I had ever watched television, the result of which is that my sisters, brother and I bugged our father until he bought us a TV and then we sat and watched one channel, English and French on both channels, but mostly the test pattern. It was quite fascinating.

It is important to remember, honourable senators, when we look at the Queen and her long reign and the fact that she is 86 years old, that her father, King George VI, passed away when he was only 56 years old. It is really very sad when you realize that was the reality.

Honourable senators, the monarchy is an integral part of our Canadian culture, past, present and future, and is an important anchor to a tradition that has helped to shape us and lead us to our present-day successes. In fact, the monarchy is a critical part of our country's *raison d'être*. The monarchy is an enduring institution that is woven intricately into the very fabric of our national identity. It upholds our traditions and our heritage. It safeguards our rights and freedoms. It provides the necessary continuity during ever-evolving times.

Indeed, during one of her tours of Canada, Her Majesty reflected that "the Crown represents everything that is best and most admired in the Canadian ideal," and early on she committed herself to continue upholding these ideals throughout her reign.

Honourable senators, we can all agree: She has most certainly delivered on that commitment.

Over the course of Canada's history, we have sometimes taken for granted the stable symbol of our constitutional monarchy and our sovereign. The monarchy has always emphasized the primary importance of people in the community, providing the balance needed in a parliamentary democracy where individual rights and collective responsibilities have fostered a society that is tolerant and flexible.

In more recent times, over the course of the reign of Her Majesty Queen Elizabeth II, there have been significant changes to our modern history.

The Queen of Canada, as our head of state, with her deep sense of civic duty, has overseen the final stages of the maturing of our nation, providing guidance and stability in our growth and development as a significant player on the world stage, which culminated with the proclamation of Canada's repatriated Constitution.

Canada's connection to the British monarchy is clearly evident in many facets of Canadian society, in fact in our everyday lives. From coins, to postage stamps, to Her Majesty's coat of arms, and symbols here in this august Senate Chamber, the presence of the sovereign in Canada is everywhere and is a cause for celebration.

The most common, of course, is on our currency. Whether it is a \$20 bill or a nickel, the Queen's portrait is prominent, reminding us of our country's link to the Crown, a symbol of national sovereignty belonging to everyone.

The Canadian Forces represents another important element of Canada's link to the monarchy, along with its three branches.

In August 2011, my colleague Defence Minister Peter MacKay announced the restoration of the "Royal" designation for Canada's Air Force and Navy, and the renaming of the Canadian Army, which was previously Land Forces Command.

The restoring of these valuable historical distinctions reversed a move in 1968 that resulted in our navy, air force and army being consolidated under a single command called the Canadian Forces.

I vividly recall those days when I was working here on Parliament Hill when this very controversial move was met with much criticism. There were severe morale problems, which resulted in resignations in many ranks. The move was never fully accepted.

• (1430)

Honourable senators, our history is our history. It is part of our future, as well as our past. Our history is something we can all be proud of and something we must ensure is passed along to the generations that follow. Embracing and celebrating Canada's national identity means embracing our status as a constitutional monarchy, honouring the time-tested traditions so many Canadians hold dear to their hearts.

As the second-longest-serving monarch in history, Her Majesty has endeared herself to Canadians from coast to coast to coast through her many visits to our home and native land over the last 60 years. From Halifax to Iqaluit to Vancouver, she has met Canadians young and old, English and French, new Canadians who moved here from every corner of the world — indeed, Canadians from all walks of life. Prime Ministers St. Laurent, Diefenbaker, Pearson, Trudeau, Clark, Turner, Mulroney, Campbell, Chrétien, Martin and Stephen Harper span her 60-year reign and each has undoubtedly benefited greatly from their personal audiences with her.

The Queen Mother once stated that Canada was like a home away from home for her, and Her Majesty Queen Elizabeth II recently echoed the same sentiments as her late mother about Canada's hospitality and warmth.

From Her Majesty's first trip as Princess Elizabeth in 1951 when she toured Canada on behalf of her father King George VI, to her most recent tour in the summer of 2010, the Queen has visited nearly every corner of our country, met thousands of Canadians and experienced firsthand our characteristic hospitality and warmth that so impressed her mother many years ago.

It is interesting to note that during a refuelling stop in Gander, Newfoundland, in 1953, while en route to her first tour of the Commonwealth, Her Majesty delivered an impromptu address to a crowd that gathered there in Gander at 3:30 in the morning.

In 1957, Her Majesty Queen Elizabeth became the first monarch to open a session of the Canadian Parliament, sitting right in this chamber. The Right Honourable John George Diefenbaker was the prime minister, and a large photo of this historic occasion adorned the walls of his office here in the Centre Block until his death in 1979.

Her Majesty has attended hockey games, barbecues and garden parties. She has dined with prime ministers, popes and presidents. She has greeted and shaken hands with thousands and thousands of people in over 100 countries around the world.

Queen Elizabeth II served as Colonel-in-Chief, Captain-General and doyenne of the captains of various regiments, including the Royal Canadian Air Force, the Royal 22nd Regiment — the famous "Van Doos," which was one of my iconic hero groups when I was growing up — and, of course, the Governor General's Foot Guards, to name a few.

Her Majesty is also patron of over 33 Canadian charities, including the Canadian Red Cross, the Canadian Cancer Society and Save the Children, to name but a few.

In 1959, the Queen toured Canada while, unbeknownst to everyone else, she was pregnant with her third child, Prince Andrew the Duke of York, who was born in February 1960. Prince Edward, her fourth and last child, followed four years later in March 1964.

In 1973, Her Majesty toured Alberta and Saskatchewan to celebrate the centennial of the Royal Canadian Mounted Police. She celebrated the bicentennial of New Brunswick in 1984, visiting places like Shediac and Riverview. The people who were there still talk about what a wonderful occasion it was for New Brunswick and its bicentennial.

In celebration of the Queen's Golden Jubilee in 2002, she once again toured Canada, this time touching down in Canada's newest territory, Nunavut, where she opened its new Legislative Assembly. In 2005, she became the first reigning monarch to address the Alberta Legislative Assembly, marking the province's 100th anniversary of its entry into Confederation.

Finally, in 2010, Her Majesty's visit included events in Halifax, here in the nation's capital, Winnipeg, Toronto and Kitchener-Waterloo. On Canada Day, she was on Parliament Hill with her husband Prince Philip the Duke of Edinburgh, Prime Minister Harper, Laureen Harper, the Minister of Canadian Heritage, many honourable senators and members of the House of Commons, and thousands and thousands of Canadians — uniting the Sovereign, Parliament and the people.

There are few places the Queen has not seen in her 22 trips to Canada. Her tours have always successfully showcased Canada's diverse and distinctly unique culture, while respecting the traditions we, as Canadians, revere. This is testament to the fact that, while Canada is a constitutional monarchy with allegiance to the Queen, we balance this in modern times by retaining our uniqueness, our individuality and our sovereignty.

The monarchy is an enduring symbol in Canada — one that has seen us through good times and bad. During her reign, Her Majesty Queen Elizabeth II has demonstrated her pride in being part of the Canadian family. She holds a place dear in her heart for Canada, which is, in her words, a "vast, rich and varied country that has inspired its own and attracted many others by its adherence to certain values."

On this, her Diamond Jubilee, marking 60 years of her reign, I wish to pay tribute to Her Majesty and sincerely thank her, not only for her faithful loyalty to our country, but for her unmatched commitment to public service. Indeed, the Queen embodies the spirit in which the Queen's Diamond Jubilee medals are awarded to 60,000 deserving Canadians to recognize their excellence and achievement, and to celebrate their admirable contributions to their communities.

Thank you.

Hon. Senators: Hear, hear.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I rise to join Senator LeBreton in paying tribute to Her Majesty Queen Elizabeth II on the very special occasion of her Diamond Jubilee.

All of us here in this Chamber know what it is to be a political figure, to commit ourselves to public service. Some of us have spent our lives in politics; others of us have pursued very different professions and activities before coming here. However, all of us, without exception, were asked and we agreed to serve. We are here by choice.

How very different is the position of Her Majesty.

Unlike every one of us, her life has been dictated by her birth. She was born to a role lived under the close scrutiny of the public eye throughout her entire life, to a degree that I suspect none of us here could ever fully comprehend. It is a role that reflects the traditions, as well as the hopes and aspirations, of millions of people around the world.

Her choice was never what she would do with the gift of life, but rather how she would fulfill the role to which she was born and how she would meet those expectations. Honourable senators, from a very young age, Queen Elizabeth made the choice to serve the people of Britain and the Commonwealth, first, foremost and always.

On her twenty-first birthday, on April 21, 1947, five years before she would ascend to the throne, then-Princess Elizabeth delivered an extraordinary radio broadcast to the Commonwealth. She spoke of the experiences of her generation, which had grown up, in her words, "in the days of danger and glory" of the Second World War.

She spoke of her hope for the Commonwealth: to move forward together, to become even "more free, more prosperous, more happy and a more powerful influence for good in the world, than it has been in the greatest days of our forefathers." She said that this could be accomplished only by dedicating the whole of ourselves, following the example of many of her ancestors who lived their lives by what she aptly described as the noble motto: "I serve."

She continued in that speech to make her own solemn act of dedication, promising to devote her whole life, whether long or short, to the service of the people of Britain and, as she put it, the Empire.

• (1440)

A few short years later, Princess Elizabeth became Queen Elizabeth II. Today, 60 years later, the world has been celebrating this exceptional woman who held true to her commitment. With grace, intelligence, wit and wisdom, through times of great joy and also deep grief, she has remained dedicated first and foremost to the service of the British people, the peoples of the Commonwealth and, indeed, the world as a whole.

The role of the British monarch has been transformed, of course, over the decades and indeed centuries. The power that once resided in the monarch's hands now rests in Parliament and in a democratically elected government. The idea of the divine right of kings has long since fallen away; and the British Empire itself is no more, replaced by a Commonwealth of sovereign nations bound together by a common inheritance of democratic values and democratic institutions.

One can legitimately ask whether Canada should continue to have a head of state who is a monarch born and living in another, distant country. That is a debate for another day. Whatever one's views on that controversial topic, I think everyone would agree that Queen Elizabeth has demonstrated great wisdom as a monarch reigning in a time of great change for the monarchy and for the world. Throughout the 60 years of her reign, as the world has changed and evolved, she has quietly, and always with extraordinary grace, maintained a role as monarch without ever impeding states or peoples from developing their own, sometimes different institutions of state — indeed, in some cases abandoning the monarchy altogether.

What is that role? Why do so many millions across Canada and the globe look to Queen Elizabeth with so much respect and admiration? A large part has to do with her person — that grace, wisdom, strength and determination that have allowed her to face difficulties, personal and of her nation, without ever being defeated by them. It has to do with her deep love and absolute devotion to her people of all religions and all ethnic backgrounds. However, I think there is also something else: She is a living connection to our history as a nation and a reminder that a nation is greater than the leaders or the issues of the day. Through her, through the monarch, we trace our political evolution through the centuries.

Finally, she represents the nation as a whole — strong and enduring, beyond partisan politics or ideology.

Since Queen Elizabeth came to the throne, there have been no fewer than 12 British prime ministers and nearly as many, 11, Canadian prime ministers. Both Prime Minister David Cameron

and Prime Minister Stephen Harper were born after the Queen ascended to the throne. Sixty years ago, Winston Churchill was Prime Minister of Great Britain and Louis St. Laurent was Prime Minister of Canada.

Liberal, Conservative, or Labour in Britain, the political swings of a nation at a particular time in history have had no impact on the role and position of the Queen. That is how it should be.

Many federal public servants will tell you they work for the Queen. This is not just a technical fact, honourable senators. It reflects the critically important fact that our public servants are non-partisan and professional, characteristics upon which all Canadians rely. I have sensed a deep pride in the public servants who have noted this relationship. It means, of course, that they work for Canada, for the Canadian people — and not for the political party that happens to be in power at any particular time.

Queen Elizabeth is a shining example of how a person — for she is human, after all — can stand firmly rooted and yet bend and adapt to a rapidly changing world and situation.

In a speech she delivered last March, the Queen reminded us that our nation possesses the virtues of resilience, ingenuity and tolerance. Honourable senators, that may indeed be true of her subjects, but they are unquestionably defining marks of Queen Elizabeth herself.

She is that rarity in the world these days — of politics but above politics — a gentle path to the future and an anchor to the past — a human symbol of the best we can be, joined together in quiet, firm dedication to building a “more free, more prosperous, more happy and a more powerful influence for good in the world.”

Of course, we should at this time recognize the contribution of her consort on that long journey, his Royal Highness Prince Philip, the Duke of Edinburgh, and wish him a speedy and complete return to good health.

Please join me in recognizing the accomplishments and, above all, the dedication to service of the Queen of Canada, Queen Elizabeth II. *Vive la Reine du Canada!*

Hon. Hugh Segal: Honourable senators, I will contribute briefly in underlining my total support for what the Leader of the Government and the Leader of the Opposition have said on this important day.

We all know that symbols are important. Her Majesty's service to us as head of state, and in the other 16 realms where she is head of state, and to the Commonwealth of nations — 54 countries, 2.1 billion people of every race, colour, faith and background, of which she is also the head — is a marvellous example of how a human unelected symbol — above the fray but with the people — can do and mean so much to so many.

Prime ministers advise heads of state or their representatives, such as the Governor General. The separation of the head of state from the duly elected first minister or president, as the case may be, is an important part of our constitutional framework, as our two colleagues have said. It is a framework called “responsible government” because it is about a series of responsibilities that, by their very existence, limit power and restrain its excess.

Members of our Armed Forces, as Senator LeBreton said, maintain their loyalty to the Queen. Oaths of loyalty on the part of new citizens and members of this chamber are not exacted for a Constitution or a flag but to Her Majesty the Queen. Our police officers wear crowns on their cap badges. When a prosecutor lays charges in this country in open court, they are not in the name of the “people,” but in the name of the sovereign, the Crown, who represents everyone, not one group of people against another.

Let me give two examples of Her Majesty's majestic use of symbols to build a bridge of civility and inclusion, both in this country and on behalf of this country.

In the visit of 1959, referenced by the Leader of the Government in the Senate, *Weekend Magazine* — some of us are old enough to remember *Weekend Magazine* — summarized the quantum of her cross-country tour in that year. She also visited Washington as the Queen of Canada, attending with the Prime Minister of Canada — at the time, Mr. Diefenbaker — as her senior adviser on that trip to the United States, flying in an aircraft of the Royal Canadian Air Force. Her Majesty on that trip reviewed 17 military parades, attended 21 formal dinners, reviewed 64 Guards of Honour, received 193 bouquets, made 381 platform appearances and shook hands well over 7,000 times. I want to talk about one event and one handshake.

[Translation]

It was in the town of Outremont, one of Montreal's boroughs. It was not Upper Outremont, where the rich lived, but working-class Outremont.

[English]

It was working-class Outremont, the northwest part of Montreal, where my family and many other immigrant families lived. Her official tour called for Her Majesty to visit the town hall, make a brief speech, and then move on to the rest of her tour — she was in Canada at that time — with President Eisenhower, to open up the St. Lawrence Seaway.

When she arrived in an open Cadillac, I was on my dad's shoulders. I know honourable senators find that hard to imagine. He was a short man, but I was actually very young in 1959 and did not have, as the economists say, the *avoirdu pois* that I am now glad to carry around.

When the Queen left the car and began to move towards the dais, there were a series of the usual suspects on the dais. There were: the Mayor of Outremont; the Member of Parliament of the Liberal Party, but those were difficult days; the head of the local militia regiment; a lot of people who were part of the hard-working volunteer community and being honoured by being on the dais on that day; and many members of the clergy. There were various Christian denominations, a Muslim Imam and a rabbi. The rabbi was the rabbi of my little synagogue on the corner of Durocher and Lavoie in la basse ville, Outremont. He was Rabbi J.J. Zlotnick and he had a Bronx accent in his Saturday sermons, which was the case with many rabbis who served in Canada in those days. He often gave fire and brimstone speeches about how one should not associate with Gentiles, never shake their hands and never break bread with them because it could lead to intermarriage.

• (1450)

At the age of eight, I stuck with that advice very intensely. Here was this young Queen making her way to the dias, and I was on my dad's shoulders. My dad said, "She is not only the Queen of Canada, Australia, Wales, Northern Ireland, Scotland and New Zealand, but she is the head of the Church of England." In those days in the 1950s, in Montreal, we referred to them as the Anglicans, and they mostly lived in Upper Outremont and Upper Westmount at the time. I took that all in, as best I could.

Her Majesty went to the dias and, after the Royal Salute and before she sat down, she walked down the middle of the aisles and extended her hand to every single person on the dias, including the Imam, all the Christian clergy and Rabbi J.J. Zlotnick. He stood, doffed his hat and extended his hand, and they spoke for what appeared, to this young man, to be maybe six hours. It might have been only seven seconds in reality.

I was affected by that and the next Saturday morning in synagogue, where I was part of the junior congregation, I could not wait to ask Rabbi Zlotnick, "What did you and the Queen discuss?" Rabbi Zlotnick looked at me with a little bit of condescension, homburg hat firmly in place, prayer shawl on his shoulders, and said, in a remarkably Bronx accent, "Young man, one does not discuss private conversations with our sovereign."

In the services that day, the traditional prayer for Queen and country, which always occurred at the end of the service, before people ran out to do other things like watch a football game or whatever, was moved to that part of the service when the Ark is open and the five books of Moses are being read as part of the liturgy for that Sabbath, the most important part of the service.

That act of inclusion, that act of Her Majesty's handshake, had a huge impact on an entire generation of people who came from different backgrounds and different religions, minority groups, immigrant groups and the rest. Her gesture meant, "You are all part of this family. I work for all of you. I am in service to all of you."

Let us move almost 60 years from that, to the Commonwealth Heads of Government Meeting in Perth, Australia, in October of last year. At that meeting, foreign ministers had worked on something called the Eminent Persons Group Report, which a group of Commonwealth individuals worked on to strengthen the Commonwealth's position on human rights, the rule of law, democracy and the basic freedoms that are the essence of Commonwealth values. Without being unkind to the foreign ministers, after two days of work, they had considered just two of the 106 recommendations that had been worked on for over 18 months.

Her Majesty, of course, was there to open the conference. Her role as the head of the Commonwealth is one of the things she takes very seriously. I will read into the record what Her Majesty said at the opening of that conference:

I should like to thank the Commonwealth Eminent Persons' Group for their work, and I look forward to hearing the outcome of discussion of their recommendations.

That is very neutral, not taking sides. Then, she continued:

And I wish Heads of Government well in agreeing further reforms that respond boldly to the aspirations of today and that keep the Commonwealth fresh and fit for tomorrow. In these deliberations we should not forget that this is an association not only of governments but also of peoples. That is what makes it so relevant in this age of global information and communication.

The theme of that Commonwealth conference was Women as Agents of Change.

If anyone wants to underestimate what a human, dynamic and compassionate symbol can mean, then they do not understand the tremendous contribution, over the last 60 years, that Her Majesty has made.

"Above the fray" is something that Senator Cowan made reference to in his comments. I would add to that, with the greatest of respect, "above the fray, but with the people." That is what her 60 years of service have meant, and that is why we are so delighted to rejoice in the celebration and extend to her our very best wishes.

Hon. Wilfred P. Moore: Honourable senators, my colleague, Senator Day, prepared some remarks, but he had to go to chair the Finance Committee and has asked me to deliver them to the Senate.

As we sweep through the life and times of Queen Elizabeth II, Queen of Canada, we recall 60 years on the throne, 60 years of devoted service to her peoples and her lands, spanning the careers of nine Canadian Prime Ministers. A public figure from the day of her birth, she has been a constant target of universal curiosity throughout her life.

Elizabeth Alexandra Mary of Windsor was born on April 21, 1926, during the political and economic turmoil before World War II. She was crowned Queen at 25 years of age, the same age as her predecessor of the same name, Elizabeth I. She succeeded to the throne on February 6, 1952, during the reconstruction of almost every facet of our society following that war. Her coronation, itself, was on June 2, 1953.

Her Majesty has embraced the new and marvellous invention of television, presided over the reformation of the Commonwealth concept, adjusted, expanded and modified the place of the Crown within its disparate realms, embraced both multiculturalism and technology, and responded stoically to personal family challenges. During the last 60 years, the Crown has evolved with the times, due, in large measure, to her leadership as an exemplary figure of duty, continuity, dignity, goodness and stability in our rapidly changing world.

Elizabeth II is the enduring, living symbol of our unique constitutional evolution and our living link with many centuries of our history. Indeed, on being sworn in as a member of the Senate of Canada, the sole oath that we affirm is allegiance to Her Majesty, so help us God.

One could cite the record of the Queen's service of public duty, but the details would be endless. There are plenty of statistics highlighting the incredible volume of her work, the sheer number of the unveilings, walkabouts, Commonwealth tours, official foreign visits, garden parties, weekly meetings with the British prime minister of the day, attention to endless boxes of cabinet documents, hosting of foreign heads of state, investitures of honours on public officials and military heroes, presentations at ceremonies to recognize exceptional cultural figures, presiding at annual openings of Parliament, attendance at numerous religious anniversaries, listening to expressions of welcome from thousands of mayors and other dignitaries, presiding at the annual Trooping of the Colour, and her solemn presence at cenotaphs honouring the valour of her subjects who gave their lives in war for their Queen and country.

• (1500)

This week, there is a strong sense of nostalgia in Canada. Our newspapers report the reminiscences of many Canadians who recall important moments in our Queen's life of service that relate to our own lives. For so many of us, this week has been an occasion to pause and reflect on our prosperity and good fortune under our Canadian monarchy. I strongly believe we would not be ourselves without the monarchy. The person wearing the crown is at the apex of our society — a pivotal figure above the controversies of our age.

Our laws about the Queen's name: Queen Elizabeth II is the ultimate Commander-in-Chief of our Armed Forces and is, therefore, the focal point of our unity as a people. The Queen embodies the ties that bind us together; she is a living symbol of our nationhood. We congratulate Her Majesty on the celebration of the Diamond Jubilee of her reign, and we pray that Queen Elizabeth II, Queen of Canada, may continue to reign in peace and prosperity.

Hon. Daniel Lang: Honourable senators, I rise today to congratulate Her Majesty Queen Elizabeth II on the occasion of her Diamond Jubilee. Like other senators who have spoken before me, I recall the visit of the Queen and the Duke of Edinburgh in 1959. You can imagine what it would be like to be in a Northern community with a very small population, no road access and little airplane traffic into the small airport. One day, the Duke of Edinburgh landed in a community called Mayo. I recall as a young child, along with my twin brother, greeting the airplane as it flew into this little airport in the middle of nowhere and seeing this huge man, dressed to the nines, get off the airplane and walk down the gravel tarmac to greet the people of Mayo.

I remember at the end of the day being very jealous of my brother because the Duke of Edinburgh shook his hand and I did not get the chance. Forever and a day, he still holds that over me when we see the festivities that the Queen and the Duke are involved in.

While I am speaking about the Duke, I want to extend my condolences in view of his health concerns. I am sure the Queen is very sad that she had to participate in the last portion of the festivities without him by her side. Like Senator Cowan, I wish him a speedy recovery.

I look back over the 60 years of her reign and when she first came to Canada; over the last few years and the number of times that she and other members of the Royal Family have visited

Canada and all the changes that have taken place. Canadians should sit back in celebration with the Queen and celebrate our good fortune for the reign she has given us for 60 years. Certainly, we live in one of the greatest countries in the world, and we are very fortunate to have someone in the personage of our Queen, who has done such a fabulous job on behalf of all of us.

I cannot think of a better way to mark the occasion of the Queen's Diamond Jubilee than by recognizing and taking this opportunity to mention the wonderful day-to-day contributions that Canadians make to their communities. I know I share with all honourable senators that it is a true honour to be able to present the Diamond Jubilee medals to deserving citizens in the regions that we represent.

We have come a long way in 60 years. I have no doubt looking forward that we have probably one of the brightest futures of any country on the planet. Over the course of this week, we as Canadians should be very proud to be members of the Commonwealth, cherish the Diamond Jubilee and truly appreciate the good fortune we have to share with Queen Elizabeth and her family.

God bless Canada, and God save the Queen.

Hon. David P. Smith: Honourable senators, I rise to pay tribute to Her Majesty and the 60 wonderful years over which she has reigned this country.

My first personal contact with her was in 1951 when I was 10 years old and she was Princess Elizabeth. My family had a country place in Cobourg. Princess Elizabeth and Prince Philip were driving by where we were and near the intersection of Highway 2, traffic had slowed down. There were about 50 people. The Royal car went by slowly, and I looked right at her and waved. There were other people, but I knew that she was looking at me and waving back. I have never forgotten that.

On another occasion, my uncle took me to a Leafs exhibition hockey game against the Blackhawks that she attended with Prince Philip. It was a one-period game at Maple Leaf Gardens. The place was packed and I will never forget that either.

I guess it is sort of in the genes because my mother was a great supporter of the monarchy. They lived in Ottawa in 1939 on the occasion of the first Royal tour in Canada. I think my mother was at six different events, and I heard about them all my life. I have been very fortunate through fluky circumstances to sit at the same table with her at lunches or dinners on about six occasions, when we had quite a few chats. I will mention one chat in particular.

There were about 20 people at a lunch in London. It was the first time that the Queen had come to the residence of the Canadian High Commissioner, Roy MacLaren, who was very anxious for my wife and me to attend. I was doing things at Cambridge University so it was quite easy.

It was at about the same time that the two princes were on a boat with their mother near Cannes, France. The High Commissioner talked about how I would take my children on overseas trips but only if they agreed to the historical and cultural components of the trip. The Queen said that was very interesting

and asked where I would take them when in France. I said that in Paris, I would take them to the usual places like the Eiffel Tower, the Louvre, Versailles, and the Bastille. She asked where we went when we left Paris. I said that it was Vimy to show them where Canadians fought in the Battle of Vimy Ridge. We were down in the tunnels and saw the graves. We spent the whole day lined up by special guides. She said that it was very important for children to see that and asked what we did the next day.

I said that I took them to Dunkirk, where the British Army fought in 1940, and told them the story of what happened there. She was very pleased with that. She asked what we did the next day. I said that for the next two days, we went to a place in Belgium where they have the best mussels in the world. Then, we went to the Groesbeek Memorial in the Netherlands, where there is a large cemetery of Canadian soldiers who fought in the liberation of Holland. About 2,600 are buried there. She said that she knew that cemetery very well. She had been there and had walked and looked at the graves. I was very moved by her knowledge of what had happened there and the Canadians who had died. This made her curious.

She asked where I took them when in London. I said that it would be the usual things like Buckingham Palace, the changing of the guard, St. Paul's Cathedral, et cetera. However, because there are three children, sometimes I would let them vote on where to go. I would say Oxford or Cambridge and they could vote on which one. We would take the train, tour the colleges and come back in the evening. She asked which they voted for. I said that it was Cambridge. She smiled because the Royal family has quite a close association with Cambridge. One day I told them it was out-of-town-cathedral day, Canterbury or Winchester. She asked which they voted for, and I said Canterbury. She said that was natural because it is the premier cathedral of England. I told her, with great respect, that it had nothing to do with that, that it had to do with the *Canterbury Tales*.

• (1510)

They got to go to the Canterbury Tales Museum, plus the cathedral to see all the things related to Thomas Becket. I was touched by her response. She said, "I have learned something today that is very, very interesting."

Roy McLaren, who was then the High Commissioner, pointed out that my great-great-uncle had been prime minister of Britain a little over 100 years ago. My father, who was born before he was prime minister, was named after him; Sir Henry Campbell-Bannerman. I casually mentioned that he was the only prime minister to die right in 10 Downing Street and the Queen said that she did not know that. She said that he had a house right behind 10 Downing. I said that I knew the house, but he was too ill and could not leave. She said, "I have learned something else today."

It was very touching of her to say that she was learning things and was very interested.

Any time I was able to talk to the Queen directly, she was elegant, gracious, genuinely warm and very interested in anything to do with our country. I am a supporter of the relationship between Canada and the monarchy. I know it will exist for the rest of my lifetime. I hope that she will have many more years on

the throne. We have been very well served by this lady, an elegant Queen.

Hon. Asha Seth: Honourable senators, I have the immense pleasure of extending my most sincere congratulations and affection to Her Majesty, my Queen, Queen Elizabeth II, on the glorious occasion celebrated only once before in the history of our nation 115 years ago, her Diamond Jubilee.

For me, Queen Elizabeth has been a link across the globe, a comforting presence by my side since childhood. Born in India, educated in England, and now having the pleasure and honour to live and serve in Canada, I can proudly say that I have been Her Majesty's subject across three Commonwealth nations.

From the far reaches of Asia to the green fields of Scotland and to our vast golden land, Her Majesty is the head and constant moral leader of the world's most developed and innovative countries. She has inspired generations of young and old Canadians to live lives of quiet, unwavering duty and honour.

As the Queen of Canada, she cannot lead us into battle; she cannot give us laws or administer justice, but she has done something else; she has given her heart and her devotion to all the peoples of our brotherhood of nations.

This government has recognized the uniqueness of this moment. Like the passing of a comet, this occasion deserves a pause to recognize not only the remarkable accomplishment of our Queen, but also the incredible institution that is the Crown and how, unlike any other organization in the world, it connects us historically, geographically and culturally.

As a Conservative, I also recognize how our Commonwealth has the potential to be harnessed as an economic partnership. For parliamentarians, these Jubilee celebrations give us the incredible honour of acting on Her Majesty's behalf as we award Jubilee Medals to some of Canada's most remarkable individuals. Choose well, for it is her most divine blessing and gratitude that you bestow upon the recipient.

She has been aware at all times that her peoples, spread far and wide throughout every continent and ocean in the world, were united to support her in the task to which she has now been dedicated with such solemnity.

The lessons from her life are clear. Whatever life throws at us, our individual responses will be all the stronger for working together and sharing the load. Therefore, I am sure that her Diamond Jubilee is not a symbol of power and splendour but a declaration of our hopes for our future and for the years she may, by God's grace and mercy, be given to reign and serve us as our Queen.

Dei Gratia Regina. God bless the Queen.

Hon. Anne C. Cools: Honourable senators, I rise to speak today to this address to our most gracious sovereign Queen, Elizabeth II. Today we celebrate the sixtieth year of the reign of our sovereign and Queen, Her Majesty Queen Elizabeth, the Queen of Canada. I offer my sincere congratulations on the happy completion of the sixtieth year of her reign, commonly called the Diamond Jubilee.

Honourable senators, this is a most stupendous achievement. This is the most extraordinary and exceptional human and queenly triumph, a 60-year reign over all her subjects, of every colour, every race, religion and nationality in many countries all over the world.

Today I congratulate her. Today I praise her and I thank her. Today I send my deepest esteem and affection to her and her family. I thank her and them for their lives of service in peace and in war.

I note that during the Second World War this family stood as the honourable, fixed and visible symbol of strength, endurance and resistance. This family stood as that symbol in the face of the most terrible, menacing and formidable threat to our humanity, to our individual and collective lives, and to our very existence as free peoples connected and joined by our communion with this Royal Family, then headed by her father, King George VI, whom I remember very well.

I shall read from the Proclamation as printed in the *Canada Gazette* on February 9, 1952, announcing the February 6 demise of His Majesty King George VI and proclaiming the accession of the then Royal Princess Elizabeth. We should note its assertion of unanimity in cabinet and Privy Council in their allegiance to Her Majesty Queen Elizabeth II, remembering, honourable senators, that the word “allegiance” is derived from the old French word “liege” and describes the relationship between king and subject being fealty and allegiance owed to the king and protection and security owed to the subject.

All senators here have taken the oath of allegiance, but we do not swear to the heirs and successors like most people.

Honourable senators, interestingly, this proclamation was not given under the hand of the Governor General of Canada. It was given under the hand of the administrator of Canada, whom, as we know, is a replacement or substitute for the Governor General when the Governor General is ill or absent.

The administrator is always the Chief Justice of the Supreme Court of Canada. The beautiful, poetic, and solemn proclamation reads in part:

Now Know Ye that I, the said Right Honourable Thibaudeau Rinfret, Administrator of Canada as aforesaid, assisted by Her Majesty's Privy Council for Canada do now hereby with one voice and consent of tongue and heart publish and proclaim that the High and Mighty Princess Elizabeth Alexandra Mary is now by the death of Our late Sovereign of happy and glorious memory become our only lawful and rightful Liege Lady Elizabeth the Second by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas QUEEN, Defender of the Faith, Supreme Liege Lady in and over Canada, to whom we acknowledge all faith and constant obedience with all hearty and humble affection, beseeching God by whom all Kings and Queens do reign to bless the Royal Princess Elizabeth the Second with long and happy years to reign over us.

That is now 60 years ago. She has reigned for long and happy years, and is celebrating the sixtieth year of her reign. I would like to say to honourable senators that I find it a very touching

moment. I recall these events very clearly as a child in Barbados. I was about nine years old at the time. My school, Queen's College, named after Queen Victoria, was a large school set on about 10 acres of land — three tennis courts — full of school mistresses and form captains.

• (1520)

My school staged a pageant. I was a little girl at the time. Those schools have prefects and big girls. I vividly remember a big girl portraying Queen Elizabeth I as she addressed her troops at Tilbury while awaiting the Spanish Armada. Whoever organized the pageant brought a live horse and one of the big girls rode sidesaddle and made those famous statements:

I know I have the body of a weak and feeble woman,
but I have the heart and stomach of a king, and of
a king of England too;
and think foul scorn that Parma and Spain,
or any prince of Europe,
should dare to invade the borders of my realm.

That is what she said and her men cheered her on.

That touched me very deeply. I went to school and I heard daily about the great principles of British liberalism, enlarging the franchise, abolishing slavery and all those fine accomplishments. That was my childhood. It is very attached to my childhood.

Honourable senators, I will say something that some people may know, but some may not. Canada has had a long and abiding relationship with Kings and Queens of the United Kingdom. Many of the Fathers of Confederation had wanted Canada to be a kingdom. In fact, the term “dominion” displaced the word “kingdom” during the drafting of the British North America Act, 1867. The fourth draft of the act published in Sir Joseph Pope's book *Confederation* informs us:

The word 'Parliament' shall mean the Legislature or Parliament of the Kingdom of Canada. . . . The word 'Kingdom' shall mean and comprehend the United Provinces of Ontario, Quebec, Nova Scotia and New Brunswick. The words 'Privy Council' shall mean such persons as may from time to time be appointed, by the Governor General, and sworn to aid and advise in the Government of the Kingdom.

Sir John A. Macdonald writes about this in an exchange of letters between himself and Lord Knutsford about the word change from “kingdom” to “dominion.” Sir John A. Macdonald wrote, published in Sir Joseph Pope's work *Correspondence of Sir John Macdonald*:

A great opportunity was lost in 1867 when the Dominion was formed out of the several provinces . . . The declaration of all of the B.N.A. provinces that they desired as one dominion to remain a portion of the Empire, showed what wise government and generous treatment would do, and should have been marked as an epoch in the history of England. This would probably have been the case, had Lord Carnarvon, who, as colonial minister, had sat at the cradle of the new Dominion, remained in office. His ill-omened resignation was followed by the appointment of the late Duke of Buckingham, who had as his adviser the then

Governor General, Lord Monck - both good men certainly, but quite unable, from the constitution of their minds, to rise to the occasion. . . . Had a different course been pursued — for instance had united Canada been declared to be an auxiliary kingdom, as it was in the Canadian draft of the bill, I feel sure (almost) that the Australian colonies would, ere this, have been applying to be placed in the same rank as *The Kingdom of Canada*.

Sir John A. Macdonald in his postscript to this letter added:

P.S. On reading the above over I see that it will convey the impression that the change of title from *Kingdom* to *Dominion* was caused by the Duke of Buckingham. This is not so. It was made at the instance of Lord Derby, then foreign minister, who feared the first name would wound the sensibilities of the Yankees. I mentioned this incident in our history to Lord Beaconsfield at Hughenden in 1879, who said, 'I was not aware of the circumstance, but it is so like Derby — a very good fellow, but who lives in a region of perpetual funk.'

Honourable senators, the term "dominion" itself was borrowed from the Bible; it was a biblical reference. In particular, Psalm 72, verse 8:

He shall have dominion also from sea to sea, and from the river unto the ends of the earth.

Honourable senators, I thank the Queen for her outstanding efforts as Queen and for being a beacon of light to so many. I thank her for upholding and living the great principles that are articulated as a concept of the leader as a servant. The leader, the Queen, is a servant of all whom she serves.

Honourable senators, our concept of public service as we know it in Canada was developed in the ideals of Christian service, civic responsibility, all couched in British and Canadian constitutionalism. Today I uphold those principles and concepts which have created us and sustained us as a country under our sovereign, and in particular under this sovereign, Queen Elizabeth II, whose service of Canada spans for a period of time that can be measured as over half of the total life of Canada as a country.

Canada has been a part of her life, and she has known many Canadian prime ministers. As a matter of fact, I remember reading of private dinners with the King, Queen Elizabeth and the girls in the writings of Mackenzie King.

Honourable senators, she is a unifying symbol; an eternal, stable and perpetual symbol. We must press for the renewal and the affirmation of these concepts to the public service of Canada in God and Queen, particularly in a time when there is so much instability economically and politically.

Being a sovereign, honourable senators, is about heart and stomach, lion heartedness in duty and service to God. It is about force and moral character. It is about the force of conviction. It is also about the force of intellect.

Remember, Her Majesty is the actuating power in the entire BNA Act, our entire Constitution. She is the fountain of honour, justice and mercy. It is for those reasons that I say these

individuals are trained all of their lives to do these tasks. The only words I can think of to describe them are "lion heartedness."

I would like to close with a prayer from the Book of Sirach, also called Ecclesiasticus, Chapter 2, verses 1 to 5. I took it from the *Saint Joseph Edition of the New American Bible*:

My son, when you come to serve the Lord,
prepare yourself for trials.
Be sincere of heart and steadfast, undisturbed
in time of adversity.
Cling to him, forsake him not; thus will your future be great.
Accept whatever befalls you, in crushing
misfortune be patient;
For in fire gold is tested, and worthy men in the
crucible of humiliation.

• (1530)

I thank Her Majesty again. One can certainly say she has been tested as gold in fire. I would like to say that this woman was formed and forged in world events and has served throughout, unflinchingly. I shall end by saying: Long may she reign over us. God save the Queen.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator LeBreton, seconded by the Honourable Senator Cowan, that the Senate do agree with the House of Commons and the said address by filling up the blank spaces left therein with the words "the Senate and," and that a message be sent to the House of Commons to acquaint that House accordingly.

Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY

FIFTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications, entitled: *The Future of Canadian Air Travel: Toll Booth or Spark Plug*, tabled in the Senate on June 5, 2012.

Hon. Dennis Dawson: Honourable senators, I move:

That the fifth report of the Standing Senate Committee on Transport and Communications, entitled *The Future of Canadian Air Travel: Toll Booth or Spark Plug*, tabled in the Senate on Tuesday, June 5, 2012, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Transport, Infrastructure and Communities being identified as the minister responsible for responding to the report in consultation with the Minister of State (Small Business and Tourism).

He said: Honourable senators, I will make a short statement today that we are hoping that the government will respond, and I will get back with a more formal speech later on.

The Hon. the Speaker: Am I to understand that the honourable senator wishes to take the adjournment of the debate?

Senator Dawson: Yes, I move the adjournment of the debate.

(On motion of Senator Dawson, debate adjourned.)

THE SENATE

MOTION TO URGE GOVERNMENT TO MAKE SPORTING FACILITIES AVAILABLE ONE DAY ANNUALLY AT A REDUCED OR COMPLIMENTARY RATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Wallin:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes, forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunity to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities;
- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;
- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and
- (f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

Hon. Judith Seidman: Honourable senators, I am pleased to speak on the motion to establish a national health and fitness day. This motion was introduced in this place by the Honourable Senator Raine. She has shown exceptional leadership in moving it forward. Working in collaboration with Mr. John Weston, Member of Parliament for West Vancouver-Sunshine Coast-Sea to Sky Country, Senator Raine has brought an issue to our attention that is both prevalent and pressing. It is no wonder that this motion has strong support from all sides.

The motion proposes that the federal government call upon local governments to collaborate on choosing one day annually on which sports facilities across Canada offer a reduced or complimentary rate. This initiative will encourage newcomers, including families in a lower income bracket, to explore recreational facilities in their communities. It will also initiate a recurring national conversation about the benefits of an active lifestyle. In this way, this motion has the potential to evolve into something much greater than itself.

Honourable senators, obesity rates in Canada continue to rise. One in four adults is now obese and more than half of our population is overweight. Obesity is expected to surpass smoking as the leading cause of preventable morbidity and mortality. Experts have estimated the resulting disease burden in Canada is close to \$4 billion a year.

The solution is not an easy one. A myriad of genetic, social, cultural and economic factors influence individual health. In fact, recent research suggests that understanding unhealthy behaviours, such as smoking or overeating, requires an investigation of both genetic and environmental factors. Senator Raine has recognized the complexity of this problem and has advocated for a multi-faceted solution.

We know the benefits of exercise are significant. Regular physical activity is associated with a reduced risk of cardiovascular disease, some types of cancers, osteoporosis, diabetes, obesity, high blood pressure, depression, stress and anxiety.

However, we also know that a proper diet is essential to a healthy lifestyle and can help prevent chronic disease. For example, lowering consumption of refined sugars and grains can help maintain a healthy weight and reduce the risk of developing type 2 diabetes. We also know that for some, decreasing sodium can help control hypertension and lower the risk of heart disease.

In short, proper nutrition is fundamental to good health. Therefore, it is crucial that fitness initiatives such as this one be accompanied by an emphasis on diet and nutrition.

Diet may be one of the simplest and most effective tools to improve overall health. Yet, as we know, trying to break unhealthy eating habits can be very challenging. Therefore, it is important to encourage healthy behaviours at a young age. Honourable senators, childhood obesity has been rising sharply. In the 2007 to 2009 Canadian Health Measures Survey, more than 25 per cent of teenagers and children were overweight or obese. The repercussions of this trend are disturbing, both for the lives of Canadian children and for the future of an already burdened health care system.

How can we teach Canadian children about nutrition and diet and encourage them to make healthy choices? School-based nutritional programs are undoubtedly one of the most effectively tools we have to combat childhood obesity. Healthy breakfast programs have been linked to improvements in attendance and punctuality, better behaviour, increased concentration, and an understanding of how healthy eating habits contribute to energy levels and overall well-being.

There are many excellent examples of school-based nutrition programs in Canada. Club des petits déjeuners du Québec was launched in 1994 in Lionel-Groulx Primary School in Longueuil by founder Daniel Germain. Since then, this initiative has been recognized by the United Nations World Food Programme, and is the model used by Breakfast Clubs of Canada to develop school food programs in the rest of the country. Last year, Breakfast Clubs of Canada served over 16 million breakfasts and over 106,000 children in school breakfast programs across the country.

• (1540)

In 1980, Quebec took a legislative step towards reducing childhood obesity when it passed the Quebec Consumer Protection Act. The act banned print and electronic advertisements for toys and fast food aimed at children under age 13. The legislation was the first of its kind, and other countries, including Norway, Greece, Sweden and the United Kingdom, followed.

A very recent study out of the University of British Columbia found that, between 1984 and 1992, the ban reduced fast-food consumption by US\$88 million per year in Quebec and resulted in 2 billion to 4 billion fewer calories consumed by children. These results suggest that other initiatives, such as regulation of sodium and sugar levels or taxes on soft drinks, could have a significant impact.

While Quebec has been a pioneer in terms of provincial legislation, there is also progress at the local level. School boards in various jurisdictions have taken it upon themselves to establish official nutritional policies that benefit both students and communities.

The Eastern Townships School Board has the "Policy on Good Health for our Students," which states that healthy nutrition supports learning and enhances physical, emotional, social and intellectual development. The policy also establishes specific objectives, such as the elimination of junk or empty-calorie foods in schools, the availability of a variety of wholesome foods at the lowest possible price and the increase in nutritional knowledge of students through education programs and projects.

The English Montreal School Board is another impressive example. It has a detailed nutrition policy that regulates all food distribution, paid or free, on school grounds. The policy includes a table of qualitative and quantitative food requirements, as well as a list of foods that may not be offered or sold to youth, such as doughnuts, deep fried potatoes and carbonated beverages. In fact,

the use of a deep fryer is forbidden in any school under the board's jurisdiction.

Currently, the English Montreal School Board includes 38 elementary schools and 18 high schools. These school boards have taken the opportunity to educate students about the benefits of a healthy diet and regular exercise, while leading by example in school cafeterias, and, by establishing nutrition as a cornerstone of school policy and administration, they have ensured the longevity and success of their initiative.

Honourable senators, as parliamentarians, we have the opportunity to demonstrate similar leadership. By establishing a national health and fitness day in Canada, we will encourage Canadians to invest in their health by exploring the benefits of exercise and nutrition. This motion may represent only one small step towards curbing obesity rates; however, it is a tangible plan that engages local governments and galvanizes the nation towards a common goal: a healthier population and a stronger country.

Thank you.

Some Hon. Senators: Hear, hear!

(On motion of Senator Carignan, for Senator Plett, debate adjourned.)

[Translation]

RECOGNITION OF SERVICE OF BOMBER COMMAND DURING WORLD WAR II

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the unconscionable delay, despite the resolution of this Chamber passed unanimously on June 18, 2008, of the awarding of an appropriate theatre decoration for the brave Canadian flyers and crew who served in Bomber Command during World War II, without whose efforts, courage and sacrifice the war and its destruction would have continued for many more years.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Senator Mercer adjourned this inquiry in his name. The senator has already started his speech, but he has not had a chance to complete his study. I would like to request adjournment in the name of Senator Mercer for the remainder of his time.

(On motion of Senator Tardif, for Senator Mercer, debate adjourned.)

(The Senate adjourned until Thursday, June 7, 2012, at 1:30 p.m.)

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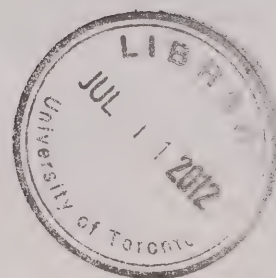
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OFFICIAL REPORT
(HANSARD)

Thursday, June 7, 2012

The Honourable NOËL A. KINSELLA
Speaker



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THE SENATE

Thursday, June 7, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

CANADA-INDIA COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT

Hon. Asha Seth: Honourable senators, as a new member of this great institution, it is sometimes difficult to find one's way because there are so many worthy causes that require our attention, so many people who need our help.

Yet, as the first Indo-Canadian female senator and a devoted Conservative, there is one topic that I know is of great importance to our Prime Minister, our party and millions of other citizens: the Canada-India Comprehensive Economic Partnership Agreement.

This is one of the most important free trade agreements for our government, our country and our economy. It has the potential of increasing Canada's economy by more than \$15 billion. That is 0.4 per cent of GDP, or gross domestic product. This represents thousands, if not millions, of new jobs and large profits for Canadian businesses, but negotiations are currently at a standstill.

This is not because the Conservative government is not working hard to complete its free trade agreement. Minister Ed Fast and the Department of Foreign Affairs and International Trade have made huge gains in negotiations, having hosted four successful rounds. Yet, our deadline is tight if we want this agreement to be finished by 2013. We have to put more emphasis on overcoming the many obstacles that are inherent in international trade negotiations. I am committed to using all my resources to bring stakeholders together, improve communications and make sure this multi-billion-dollar opportunity belongs to Canada. It is my plan to reach out to all those involved and break down as many walls in this process as possible.

The Canadian market is an international market, and the Conservative Party is committed to expanding the reach of Canadian businesses to every corner of the planet. Thank you.

WOMEN'S LEGAL EDUCATION AND ACTION FUND

Hon. Mobina S. B. Jaffer: Honourable senators, last Thursday I had the honour of attending a conference entitled Transforming our Future: Legal Strategies for Equality, which was sponsored by the Law Foundation of British Columbia and presented by the Women's Legal Education and Action Fund, also known as LEAF.

LEAF was founded in 1985, the same day the equality guarantees of the Canadian Charter of Rights and Freedoms came into force. LEAF's mandate is to change historical patterns

of legal interpretation and application. Moreover, LEAF's internationally recognized litigation strategy attempts to respond to the complexity of the goal of achieving equality for all women.

Honourable senators, I feel privileged to rise before you today and speak of the great work LEAF continues to do to ensure equality rights for all women and girls under the eyes of the law. In fact, I strongly believe that equality rights in Canada are advancing because of the work LEAF continues to do to ensure that women are guaranteed equality rights under section 15 of the Charter of Rights and Freedoms.

• (1340)

I am a real fan of LEAF's work. Many women who attended the conference do amazing work with some of the most marginalized and vulnerable women in Canada, doing their best to represent them with limited resources. Throughout the conference, all in attendance were reminded of the importance of choosing the right legal strategies for women — strategies that will help women receive the remedies they are seeking.

I had the pleasure of addressing all of those in attendance. During my remarks, I spoke of the great work many of the honourable senators here do to advance the equality of rights of women. I assured them that they had many allies here in the Senate who were passionate about the issues they were advancing, and I encouraged them to reach out to all of us.

The two-day conference was run by two very dynamic, competent women, Kristy Sims and Del Friday, whose hard work I would like to acknowledge. Both of these lawyers are volunteers with West Coast LEAF. They worked very hard to ensure that we all understood the strategies we would use to achieve equality for the women we worked for. I sincerely commend them for their work.

I also want to thank the Law Foundation of British Columbia for the support it provides to LEAF, and I wish to especially thank Chair Margaret Sasges and Executive Director Wayne Robertson for their continuous support to equality issues.

Honourable senators, the one thing I have come away with from these two days and would like to share is that when we increase criminal penalties here in Ottawa without increasing the monies available for legal aid, we diminish the rights of children. Throughout the two-day conference, I heard many heart-wrenching stories of how Canadian children were suffering because of lack of legal aid for family litigation. The message I heard was very clear: We either pay now to protect the interests of our children, or we pay later by building mega-prisons to house our children who we did not look after in the first place. I believe this is a wake-up call for all of us.

DR. ASMA JAHANGIR**MESSAGE OF SUPPORT**

Hon. Hugh Segal: Honourable senators, I rise today to bring to the Senate's attention a situation that is deeply troubling.

For more than 18 months, as the Canadian member of the Commonwealth Eminent Persons Group, I worked closely with Dr. Asma Jahangir, the EPG member from Pakistan. Asma is the founder of the Human Rights Commission of Pakistan, the first woman to lead the Supreme Court Bar Association. She served as the UN Special Investigator on Extrajudicial Executions and as the UN Special Rapporteur on Freedom of Religion or Belief, reporting on violations worldwide to the UN Human Rights Council.

She also holds honorary doctorates from Queen's University in Kingston, the University of St. Gallen in Switzerland, Amherst College in the USA, and was Canada's first recipient of the John Diefenbaker Defender of Human Rights and Freedom Award in 2010 for her more than 30 years of work defending human rights and religious freedom.

On Tuesday evening, a press release was issued by the Commonwealth Human Rights Initiative, reporting that credible threats of assassination from within the Pakistan military establishment had been received by Dr. Jahangir, an assertion she made herself in a media interview this past Monday. To its credit, the Pakistani government has provided her with extra security.

The report of the Eminent Persons Group, of which she was a part, concentrated on Commonwealth renewal and reform, especially in areas of human rights, democracy and the rule of law. Dr. Jahangir was the one member at the table whose up-close and personal experiences brought home the reality of life when the respect for human rights we take for granted is non-existent.

Honourable senators, she has been jailed twice, beaten on several occasions and placed under house arrest, and yet she has always persevered in her work. She is Director of the AGHS Legal Aid Cell, which provides free legal assistance to the needy, and she was instrumental in the formation of the Punjab Women Lawyers Association and the Women Action Forum. Her input during our meetings was invaluable, and we are all very grateful to her, as all Canadians should be, for her insight and courage.

I value her as an extraordinary colleague and am proud to call her a friend.

Asma has made it clear that these threats will not drive her from her home or her country, although offers of safe haven have been extended, including by Canada, I might add, and she has no intention of bowing down to the pressure put on by those who want to silence a very powerful voice for human rights.

I am making this statement in the chamber today to let her know, and advise the people and Government of Pakistan, that Canadians and this chamber are engaged and looking out for her

safety. Her cause is our cause, and no threat or intimidation can silence the voices speaking out for human rights — not in the Commonwealth, not in Pakistan, not in the world.

MR. EWEN STEWART**CONGRATULATIONS ON DANNY
AND MARTIE MURPHY LEADERSHIP AWARD**

Hon. Catherine S. Callbeck: Honourable senators, last Friday, Mr. Ewen Stewart of Stanhope, Prince Edward Island, received the Danny and Martie Murphy Leadership Award from the Alzheimer Society of Prince Edward Island. This annual award recognizes a person who exemplifies excellence in person-centered care while promoting programs and services for all those affected by Alzheimer's and related diseases.

Although he has never sought recognition, Mr. Stewart is a most deserving recipient of this award. For the past 18 years, he has worked tirelessly on behalf of the Alzheimer Society of Prince Edward Island. He provides personal support to the families of those living with this disease, with personal phone calls and visits. He knows how they feel, after losing his beloved wife Margaret in 2009 to Alzheimer's disease. He is known as an avid door-to-door campaigner for the society. He is a strong advocate for the services and programs provided by the organization, promoting these initiatives that help thousands of Island families.

Mr. Stewart has a long history of helping others. He has been Prince Edward Island's most prolific blood donor, beginning his donations at the age of 18 in 1951. He currently holds the record on the Island with 746 donations. At 79 years young, he is an avid cyclist, biking up to 30 kilometres a day. He has participated in more than 400 races, many on behalf of local charities.

Honourable senators, today I want to commend Mr. Stewart and all others who are helping families affected by Alzheimer's disease. They are dedicated and compassionate people who do so much for our communities. These individuals embody the spirit of giving and help make life better for all of us. I am pleased to recognize the Alzheimer Society of Prince Edward Island for their good work across the province.

Honourable senators, please join with me in congratulating Mr. Ewen Stewart for receiving this leadership award and wishing him well in the future.

[Translation]

CINÉMAGINE**TENTH ANNUAL ALBERTA FRENCH FILM FESTIVAL**

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it was with great pleasure, excitement and pride that I attended the tenth annual CINÉMAGINE, the Alberta French film festival, from June 1 to 3, in Lethbridge. I had the great privilege of being this year's honorary president of the festival.

[English]

Ten years of promoting the discovery of world-class French films and documentaries, of offering a wide range of cultural activities and of reuniting people who appreciate the arts and French language from across the province of Alberta was a milestone that I was very proud to recognize and celebrate. Nationally and internationally, renowned French films such as *La Sacrée*, *La route de l'Ouest*, *Monsieur Lazhar*, *Elle s'appelait Sarah*, and *Le Concert* were among the many films and documentaries presented to this year's festival-goers.

[Translation]

The festival's guests of honour were director Jonathan Levert, from Val-d'or, Quebec, and Franco-Ontarian actress Louison Danis. We were very fortunate to have such creative, talented and dynamic symbols of French-Canadian movie making among us.

Honourable senators, human creativity is the driving force behind social and economic growth. In addition to providing extraordinary economic spinoffs, arts and culture contribute significantly to building an identity. They fuel our sense of belonging to a group or community, give us a sense of pride and bring us together by strengthening social cohesion. All these elements are hard to measure, but are certainly important and confirm that arts and culture make our communities good places to live where individual growth and the growth of the community are appreciated.

As Swedish director Ingmar Bergman said:

Film as dream, film as music. No form of art goes beyond ordinary consciousness as film does, straight to our emotions, deep into the twilight room of the soul.

• (1350)

[English]

I would like to extend my most sincere congratulations to the cinéMAGINE Society of Alberta, its partners and its volunteers on putting together an outstanding French film program and on raising the profile of Alberta's francophone community. I would also like to thank the organizers for their continued dedication and commitment towards the development of French cinematographic arts in Alberta.

[Translation]

Thank you for showcasing the French language and culture in Alberta these past 10 years.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of grade eight students from École Pointe-des-Chênes in Sainte-Anne-des-Chênes, Manitoba.

They are guests of the Honourable Senator Chaput.

On behalf of all senators, I welcome them to the Senate of Canada.

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

2011-12 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2012 fourth Annual Report of the Commissioner of Lobbying, for the fiscal year ended March 31, 2012, pursuant to section 11 of the Lobbying Act.

INDUSTRY

NATIONAL RESEARCH COUNCIL OF CANADA— 2010-11 REPORT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the National Research Council of Canada Performance Report for 2012-11.

[English]

SAFE DRINKING WATER FOR FIRST NATIONS BILL

SIXTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Gerry St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 7, 2012

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill S-8, An Act respecting the safety of drinking water on First Nation lands, has, in obedience to the order of reference of Wednesday, April 25, 2012, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

GERRY ST. GERMAIN
Chair

(For text of observations, see today's Journals of the Senate, p. 1368.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

[English]

(On motion of Senator St. Germain, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CRIMINAL CODE

BILL TO AMEND—TWELFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 7, 2012

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defence of property and persons), has, in obedience to the order of reference of Tuesday, May 15, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Di Nino, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[Translation]

APPROPRIATION BILL NO. 2, 2012-13

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-40, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013.

(Bill read the first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

APPROPRIATION BILL NO. 3, 2012-13

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-41, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

[Translation]

SAFE FOOD FOR CANADIANS BILL

FIRST READING

Hon. Claude Carignan (Deputy Leader of the Government) presented Bill S-11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

[English]

IMPORTATION OF INTOXICATING LIQUORS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on Orders of the Day for second reading two days hence.)

• (1400)

[Translation]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to sit on Tuesday, June 19, 2012, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF PROVISIONS AND OPERATION OF THE ACT TO AMEND THE CRIMINAL CODE (PRODUCTION OF RECORDS IN SEXUAL OFFENCE PROCEEDINGS)

Hon. Bob Runciman: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on October 4, 2011, the date for the presentation of the final report by the Standing Senate Committee on Legal and Constitutional Affairs to examine and report on the

provisions and operation of the *Act to amend the Criminal Code (production of records in sexual offence proceedings)*, S.C. 1997, c. 30 be extended from June 30, 2012 to December 31, 2012; and

That the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Mobina S. B. Jaffer: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that, later this day, I will move:

That the Standing Senate Committee on Human Rights have the power to sit at 6:15 p.m. on Monday, June 11, 2012, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

QUESTION PERIOD

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate. According to the Native Women's Association of Canada, there are over 582 missing and murdered Aboriginal women in our country. It is my belief that the fact that many of these stories go untold and that almost all of these cases remain unsolved is a testament to the discrimination many Aboriginal women in Canada continue to face. I cannot begin to imagine the pain and suffering that a family must endure, knowing that their loved one is missing but not being able to access justice.

What is our government doing to ensure that the families of the missing and murdered Aboriginal women do not have to deal with this pain and suffering in isolation?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, we are all watching the proceedings taking place in the honourable senator's home province as we speak. As we have all communicated in the past, this is a dreadful situation. No one should have to go through their life with this hanging over their head and feeling that society is not paying the attention to this serious issue that it should.

Since we have come into government, and more recently, we have taken a number of concrete steps. We have created a new RCMP centre for missing persons. We have improved law enforcement databases to investigate missing and murdered women. We have boosted victim services and supported the creation of community and educational Aboriginal safety plans. We also created a national website for public tips to help in the investigation and location of missing women.

These are all necessary steps, honourable senators. One missing or murdered Aboriginal woman is one too many. We will continue to work diligently with our provincial and territorial counterparts to combat this serious problem.

Senator Jaffer: As the leader knows, I have asked this question in the past and am waiting for answers. I am not asking these questions only for my province, but for all the Western provinces.

What is our government doing to ensure that the families of the victims are given a voice? What specific resources are these families getting to ensure that they get access to justice for their loved ones?

Senator LeBreton: That is a good question, honourable senators. I appreciate the importance of victims' being given every opportunity. With regard to financial support for specific programs, I will take the honourable senator's question as notice and respond with a written reply.

PUBLIC SAFETY

HUMAN TRAFFICKING—VICTIM SERVICES

Hon. Mobina S. B. Jaffer: I appreciate that the leader may not have the answer to my next question, but I would appreciate a delayed answer.

When I spoke about trafficking of women and children, I said that the greatest sufferers are Aboriginal girls. What are we specifically doing to protect our young Aboriginal girls?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do have an answer, and that came in the form of an announcement yesterday by the Minister of Public Safety. The government is bringing in very strong legislation to deal with the issue of human trafficking. We know that there are many components of human trafficking, whether it comes from offshore or involves our own citizens.

Minister Toews has acknowledged that Aboriginal people, and mostly young women, are overrepresented in the human trafficking problem in this country.

Senator Jaffer: Indeed a national action plan was announced yesterday with \$25 million provided for it. I understood that this was to collect data and to help the police. However, only \$500,000 was set aside for victim services. I urge the Leader of the Government in the Senate, as part of the leadership team of our government, to ensure that more funds are provided for victims because \$500,000 of \$20 million is not good enough.

Senator LeBreton: Honourable senators, I will get the information for the honourable senator but, in fairness, there are many other avenues in the justice system through which the government contributes to victim services. This piece of legislation sets aside certain sums of money for victim services. This amount is added to funding in many other pieces of legislation that provide for victim services. I will provide the exact figures.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

FIRST NATIONS SCHOOLS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I was saddened and concerned to learn this week that First Nations schools in my province of Alberta are being shortchanged \$15 million a year in funding compared to their provincial school counterparts. The numbers come from a new joint study by provincial, federal and First Nations staff that also found that an average of 39 per cent of children and young adults on reserves across the province are taking a pass on school altogether.

Honourable senators, there are huge gaps in funding between First Nations schools and provincially run schools. What is the government prepared to do in light of these alarming figures?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the honourable senator has asked about the specific situation in Alberta. As she knows, Aboriginal education issues are very predominant in the activities that the government has undertaken.

• (1410)

Canada's Economic Action Plan 2012 includes a significant investment of \$275 million in First Nations education. It builds on major investments our government has already made over the last six years to improve outcomes for First Nation students, including the building of 37 new schools on reserves and negotiating partnerships with the provinces and First Nations across the country. We have some very good examples of working with the provinces to achieve very good results.

We are also committed to working with First Nations and other stakeholders toward legislation that will establish the structure and standards needed for a strong, accountable education system on reserves; and we are exploring ways to provide stable, predictable and sustainable funding for First Nations education.

As an aside, honourable senators, I attended the meeting of the ministers of the Crown and leaders of the First Nations in January. The issue of access to proper education and funding were at the top of the list. We have made a very good start and have been investing in programs since we formed government.

With regard to the specific school to which the honourable senator refers, I would have to ask for more detail.

Senator Tardif: I thank the minister for looking into this particular situation in Alberta. However, I had asked a similar question last February that dealt generally with what the

government planned to do to close the gap in funding. The leader assured honourable senators that the Minister of Aboriginal Affairs and Northern Development would take measures as quickly as possible to address these serious concerns. It is now the month of June. Will the leader make the commitment to take the \$100 million proposed in the 2012 budget to deal with this particular situation?

Senator LeBreton: In fairness, honourable senators, what the honourable senator asks of the government is being done by the government. The report prepared by the Standing Senate Committee on Aboriginal Peoples dovetailed very nicely into an independent report commissioned by the government. Certainly, it has been the focus of the Minister of Aboriginal Affairs every week this year and before. Great steps have been taken.

Through our jobs and skills training programs, the Prime Minister and I have said on many occasions that, as we develop the resources in the North, in particular those areas where there are large Aboriginal communities, it will be in everyone's interest that these jobs be available for the people who live in those communities, who in many cases are Aboriginal. Great effort is being put into skills training for Aboriginal people. Their economic status in the country will be greatly enhanced if these jobs are available to them and they have the skills to perform those tasks.

CANADIAN HERITAGE

CELEBRATIONS FOR THIRTIETH ANNIVERSARY OF CHARTER OF RIGHTS AND FREEDOMS

Hon. Jim Munson: My question is for the Leader of the Government in the Senate and concerns our beloved Charter of Rights and Freedoms. Honourable senators, this is not a headline story, as we talked about yesterday. It is not about robocalls or that sort of thing, but it is about the Charter of Rights and Freedoms.

A story was published yesterday by the *Canadian Press* dealing with non-partisan bureaucrats who had planned a rather elaborate party to celebrate the birthday of the Charter. In February they submitted a proposal for their plan, which called for a televised event on Parliament Hill featuring the Governor General, the Prime Minister, cabinet ministers and Canada's chief librarian. Even one of the two versions of the Proclamation of the Constitution Act, 1982 was to be on display. However, when the submission reached Mr. Moore's office, it was rejected.

A spokesperson for the minister, James Mauner, said:

The department routinely submits communications opportunities to the minister's office. . . . Some of them we take, some of them we don't.

We know that what we received was just a short press release.

Why did the government dismiss or ignore this non-partisan recommendation from civil servants in the Department of Heritage?

Hon. Marjory LeBreton (Leader of the Government): I appreciate the honourable senator putting on the record what the Minister of Heritage said, and that is the fact. Public servants routinely make recommendations of potential communications opportunities to ministers of the Crown. This submission was like many other submissions. As the honourable senator pointed out, the minister decided not to pursue this suggestion and issued a statement in honour of the thirtieth anniversary of the Charter. That was the decision of the minister; and the government stands by that decision.

Senator Munson: Honourable senators, yesterday, the Senate, under the leadership of the Speaker, sent a congratulatory address to Her Majesty Queen Elizabeth II on the anniversary of 60 years of her reign. All parties joined in that message and supported the government in a public way in the many non-partisan celebrations.

By the way, halfway through Her Majesty's reign, we brought home our Charter. She was on Parliament Hill on that rainy day in 1982. It was an important part of her history, our shared history, Canada's history as an independent nation and the Commonwealth's history.

Honourable senators, Prince Charles and his entourage were here, and we celebrated. We said publicly, "Welcome, Your Royal Highness." There was no question of celebrating that.

It sounds kind of petty to me, to be honest: a terse little press release. Why did the government refuse to recognize this? After all, where is the recognition within the government that the Charter deserves?

Senator LeBreton: Honourable senators, quite rightly, we all joined together and celebrated the Diamond Jubilee of the ascendancy to the throne of Her Majesty Queen Elizabeth II. This year, we are celebrating the two hundredth anniversary of the War of 1812, which historians agree was a seminal moment in Canadian history in terms of our identity on the northern half of North America. We are all working toward 2017 and the one hundred and fiftieth anniversary of Confederation.

As I pointed out to the honourable senator and as he pointed out in his statement, the office of the Minister of Heritage receives many proposals for communications opportunities from people in the bureaucracy. Minister Moore issued a statement on the thirtieth anniversary of the Charter. This was the decision of the minister and the government.

Honourable senators, I am a traditionalist and I tend to celebrate silver, golden, and diamond jubilees. The one hundredth birthday of Canada in 1967 was wonderful — I still have my centennial flag.

This, however, was a decision of the minister. I know that the honourable senator tries to impugn political motives for this, but I will quote a Liberal candidate in the last election in Vancouver West, Dan Veniez, who said:

As I see it, the only people politicizing the Charter anniversary are Liberals, and no one else.

• (1420)

This was said by a Liberal candidate in an article he wrote called "Stop politicizing the Charter." He was right.

Senator Munson: By way of supplementary, the honourable leader talked about a 150-year anniversary, about Prince Charles being here, about the Golden Jubilee and about the War of 1812. Of course, all of these celebrations are important and cost millions of dollars, paid for by Canadian taxpayers. We do not mind doing that because it is important. However, at the end of the day, this is Canada's Charter; it is not a Liberal Charter.

For the record, I would like to get the minister's point of view. What does she think of the Charter?

Senator LeBreton: Senator Munson always tries to ask these cute little questions about my personal point of view. I am here as the Leader of the Government in the Senate to answer for the government. I totally, wholeheartedly support the decision of the minister.

Senator Munson: The question was: What does the leader think of the Charter?

Senator LeBreton: I will not tell the honourable senator, although I will tell him one thing, something that he does not like to hear: Women were left out of the Charter. I was part of a group of women who marched on Parliament Hill to put women in the Charter.

Some Hon. Senators: Hear, hear!

JUSTICE

GENDER IMBALANCE IN THE JUDICIARY

Hon. Joan Fraser: Honourable senators, what a lovely opening the leader has just given me. My question is about the persistent and very thick glass ceiling that seems to affect the appointment of women as judges in this country.

We are stuck solid at 27 per cent — 27 per cent last year; 27 per cent since April 1, 2007. This seems strange given that 40 per cent of the members of law societies in Canada are women. In April, the President of the Canadian Bar Association said:

With more women than ever in the profession, the judiciary should more accurately represent Canada's — and the legal profession's — gender balance and diversity. . . . Surely there are more women who are qualified to be appointed to the Bench.

Can the leader tell us, please, what the government plans to do to rectify this imbalance?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator should know that this is a process in which the government does not directly involve itself. Our government appoints judges according to merit and legal excellence, and these appointments are based on recommendations of 17 judicial

advisory committees across the country. Members of the judicial advisory committees work on a voluntary basis and continue to identify and recommend qualified candidates for Canada's judiciary.

As the honourable senator knows, and I know because I did have some experience, these judicial advisory committees are made up primarily of officials from the various jurisdictions. It usually involves the chief justice of the province; the head of the law society of the province or territory. It is a body of very diverse people from across the country, and the Ministers of Justice from the various provincial governments are involved as well. The judicial advisory committees then submit the names of people who they determine are worthy of elevation to the bench. That is the process that is followed.

If the honourable senator would like to know more about the process, I would encourage her to visit the website of the Office of the Commissioner for Federal Judicial Affairs Canada. The whole process and the people who serve on these various advisory committees are there for all to see.

Senator Fraser: That is the site from which I obtained these numbers.

I do hope the leader is not suggesting that excellence and merit are unequally distributed across the sexes in this country. The judicial committees include people appointed by the Government of Canada, and they submit lists of names. I am not able to believe that those lists do not include names of qualified women. The government then makes its choice from among the names that have been submitted, and this government is stuck at 27 per cent.

In the last year of the Liberal government, 41 per cent of the appointments to the bench were women. While I know that senators on the other side do not adore Liberals in any shape or form, I think it has been universally acknowledged that historically the calibre of the people appointed to the bench in Canada is recognized not only in this country but also around the world. I am not saying that the present government has appointed people who are not competent to sit on the bench; far from it. However, I am saying that in their survey of available qualified candidates, they do appear to have overlooked a pool of talent.

I ask again: What will the government do about it?

Senator LeBreton: First, honourable senators, we do not overlook a pool of talent. As honourable senators know, the way the judicial advisory committees from the various jurisdictions are set up to appoint a judge, there are not a lot of openings all at once. There are not a lot of judges in the country; there are not a lot of openings. They recommend the judges. Hopefully, when they are putting their list together, they will put qualified women on that list so that the government will have the opportunity to choose from among them.

I dare say that the honourable senator is speaking to the wrong person when she talks about the appointment of women. As she knows, in my previous life I was responsible for the appointment of many people in the government. In 1987, when I took over the position of appointments in the Prime Minister's Office, less than

15 per cent of the total order-in-council community were women. When we left government, we had that number up to almost 35 per cent before it fell back somewhat. It was not just women in stereotypical positions as was the case under the Liberals, like Status of Women. We had women as heads of the Civil Aviation Tribunal, the Export Development Corporation, the Veterans Review and Appeal Board and the Canada Transportation Agency. We had women in meaningful positions.

Going back to the honourable senator's question about judges, obviously the government hopes that the judicial advisory committees that submit names to the government for appointment are mindful of the fact that there are not only a great many women but also a great many other people. Other groups are vastly under-represented in our judicial system, most particularly visible minorities. It behooves all of us to urge these judicial advisory committees to submit names to the government that more accurately reflect the makeup of the country.

Senator Fraser: Honourable senators, I am very glad to hear the leader say that. Indeed, I have heard her speak before about her time under the Mulroney government and the record of appointments of women. I know she is very proud of it, and she has every right to be.

I would observe, in passing, that women were not left out of the Charter; it is just that women wanted more protection than was in the original version of the Charter, as did a number of other groups. That is why women marched and argued and won.

The last part of the leader's answer to me indicated what I was trying to ascertain, which was that in her view it is appropriate for the government to indicate to the advisory bodies that it wishes to see the names of qualified women figure prominently on these lists.

• (1430)

Would the Leader of the Government in the Senate be good enough to convey to the Minister of Justice that a significant number of us in the Senate hope that that will become the settled policy of this government?

Senator LeBreton: I would be very happy to, honourable senators. I know that the Minister of Justice, as well, is mindful that the judiciary should reflect the demographic of the country. However, I would be very happy to reinforce his views with the views of those honourable senators in the Senate.

[Translation]

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT OPPORTUNITIES IN QUEBEC AND THE ATLANTIC REGION

Hon. Jean-Claude Rivest: Honourable senators, yesterday, the premiers of the Maritime provinces met and indicated to the federal government that they have very serious concerns about the devastating impact that the government's proposals for employment insurance will have on the economies of the Maritimes, Quebec and other regions of Canada.

Certainly, the provision that requires people to accept employment that is a one-hour commute from their residence might make sense in urban or highly industrialized settings. However, this raises serious concerns for the regions of Canada where seasonal work is more common. Such work is extremely important economically and socially.

Can the Leader of the Government in the Senate tell us if the government will remain sensitive and open to the submissions made by the premiers of the Maritime provinces and review its proposed reforms to employment insurance, in order to ensure that regional economies, particularly fisheries, agriculture and other sectors, are fully protected?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in response to Senator Fraser's question, I meant to say something that is germane to the province of Quebec. We did name the first ever Chief Justice of the Quebec Court of Appeal, a woman, Madam Justice Hesler.

With regard to question of the Honourable Senator Rivest, it is clear that there is a lot of misinformation being communicated about what the government's intentions are with regard to Employment Insurance. The fact is the government wants to connect Canadians to jobs that are available in their own communities, or ensure that they have been properly trained to take some of the jobs. As we know, there are labour shortages all over the country.

The minister has indicated, because of the meeting yesterday of the four Atlantic premiers, that she is very open to discussions and comments. As a matter of fact, although this is not reported, she has been dealing with her provincial counterparts throughout the period. There is a good understanding of what the government has in mind. The object of the exercise, which I believe all honourable senators would support, is to connect people to available jobs within a reasonable distance of their home. The government would obviously not do anything to harm people. The government is trying to help people and that is why we are bringing in these changes.

Many years ago, in another capacity, my colleague Senator Segal made a statement. Many people have laid claim to this particular quote, but it was actually Senator Segal who said it first, although no one will give him credit now. He said: "The best social policy in this country is a job."

An Hon. Senator: Hear, hear.

ORDERS OF THE DAY

BUDGET 2012

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan calling the attention of the Senate to the budget entitled, *Economic Action Plan 2012: Jobs, Growth,*

and Long-Term Prosperity, tabled in the House of Commons on March 29, 2012, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on April 2, 2012.

Hon. Grant Mitchell: Honourable senators, normally I rise to speak about the budget in response to provocation by Senator Gerstein, but I do not see him right now and so I do not have the pleasure of responding to him. However, I know in his heart of hearts he would want to stand in this house and say, "This government is producing the best economic performance in the history of the world and aren't we great?"

Some Hon. Senators: Hear, hear!

Senator Mitchell: If I said it again, honourable senators, would you give me a standing ovation? Marjory would stand up for me.

Honourable senators, I was therefore very encouraged to see, at some superficial level at least, that the name of the budget was the *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*. I started to think about that. That is an interesting name, and it certainly has spin, but it just defies reality because all of the evidence is to the contrary.

This government cannot run an economy and it cannot balance budgets or run a budget effectively. It is striking that they cannot even do it, in particular, after they were handed a remarkably strong budget situation from the former Liberal government. I believe there were eight or nine consecutive surplus budgets and a \$12-billion or \$13-billion surplus. The Conservatives could not do that after years of unprecedented economic growth, again sustained by strong Liberal management and Liberal policies on how to run a budget, how to run a government and how to run an economy.

Honourable senators, it is very interesting to note that for the longest number of years the Canadian market outperformed the U.S. market. Last year, for the first time in a long time, the U.S. market outperformed the Canadian market by 17 percentage points, despite the U.S. market problems. That spread resonates because we do not have as much history and experience with Conservative governments in Canada, fortunately.

An Hon. Senator: We are getting there.

Senator Mitchell: In the U.S., on average, the markets underperform 17 percentage points with Republican governments over Democrat governments. They underperform with right-wing conservative governments. That brings me to the question — rhetorical perhaps, but maybe more than that — of what makes anybody think that right-wing ideology works? Let us look at the facts and the figures.

We have listened ad nauseam to Mr. Flaherty and others saying that we have the best economic performance in the Western world and that we have the strongest banks. Well, we do, actually, and that is, again, thankfully because the Liberals — Mr. Martin, in particular — managed those banks and did not succumb to Mr. Harper wanting to deregulate those banks at about the time he wanted to get us into Iraq, I might add, but we will just look at

the figures. This is not me speaking. These are OECD figures. This is not the UN, which the Conservatives do not like. We will go to the OECD figures.

Honourable senators, the government says that it can manage deficits. There is an interesting coincidence. I think they had a \$30-billion deficit in the most recent year. By how much did they drop taxes since they have been in? It was \$30 billion. Now, is that not an interesting coincidence? They did not balance the budget. They dropped the least productive tax that they could have chosen, the GST, and they ended up with a \$30-billion deficit and \$30-billion tax cuts. If that is their tax policy, why is it not working? Let me show honourable senators the ways it is not working.

We will look at the government deficits as a percentage of GDP. This government would say it can manage government deficits and manage the budget. Of the 32 nations in the eurozone area listed in the OECD figures, Canada ranks eighteenth. We are in the bottom half for government deficit as a percentage of GDP. Where is this stuff about how they can manage deficits?

Do honourable senators know some of the countries that are ahead of us? Norway is ahead of us. The euro area countries are ahead of us, in spite of the fact that that includes Spain and Greece, and senators can name a few others. They are ahead of us. We are eighteenth out of 32. It is appalling for the government to stand up and say that it can manage deficits.

Honourable senators, the next figure is for general government net financial liabilities. That is overall debt as a percentage of GDP. Let us look at that. Oh, my gosh, we are fourteenth out of 32. The Liberal government dropped the debt by \$100 billion, almost 20 per cent I think, and now it is going to be at \$600 billion or so. Do honourable senators know who is ahead of us? Slovenia is ahead of us. Oh, my gosh, that is an economic powerhouse. Sweden is ahead of us. The United Kingdom, with all the problems that it has been having, is ahead of us. Denmark is ahead of us. I can go on, but we are fourteenth out of 32.

• (1440)

When it comes to real growth — growth forecasts — this is where the government prides itself — manage the economy, drive growth, better jobs. All we hear is jobs, jobs, jobs, economy, economy, economy. What do we have? We are twelfth out of 32 for growth. Who is ahead of us?

Honourable senators will not believe this, but Mexico is ahead of us. Do you know why? Mexico can take a \$100 barrel of oil and manage it.

Think about the only thing this government has really done of anything that would be productive. They sat by and basked in the glow of \$100 barrel oil. Anybody can manage that. Well, not anybody, because this government has not. We have runaway deficits, lower growth, higher deficits, higher debt than all kinds of other countries that are Western industrialized nations. It is not me saying this. These are OECD figures, right here in black and white.

Do not tell us and do not tell Canadians that this kind of plan of yours and the ones before have done anything for the economy, because they have not.

Honourable senators, I ask again, rhetorically, why does anyone believe that Conservatives can run an economy? Not true. Before I finish, let us talk about unemployment. It is up 25 per cent thanks to the government. However, way worse than that 25 per cent is the 25 per cent unemployment for the youth of this country. We had some remarkably powerful, remarkably good Aboriginal speakers today at the Energy Committee. One of the members on the other side, whom I like very much, said, "Well, what about all those jobs that development creates for your young people," and this man said, "Well, since when did that development ever create any jobs for our young people?" It does not happen.

Young people and the future are very much in jeopardy given the "economic plan."

Now I ask myself, how could this happen? Why would this happen? Why is it that the people who think they can run economies simply cannot? Well, one of the reasons is because ideology trumps common sense. I will give you a two-track example. You want to get \$25 billion or is it \$14 billion or \$38 billion to spend on F-35s? I do not know.

Senator Munson: What is a billion dollars?

Senator Mitchell: Let us say \$35 billion. I am probably low. The government is willing to spend — without any analysis, without any proof of what we would use them for or what kind of threats we will face in the world — \$35 billion on jets.

On the other hand, the government is not going to spend basically anything on climate change. Let us compare the two. Let us compare them on risk, economic advantage and disadvantage.

Okay, so the jets are \$35 billion. You need some risk, but what is that? I am not saying there is not some risk they need to meet, but the big risk we saw, the one that they captured, and I remember this picture, is that we have to be afraid of the Russian bombers. There is a Russian bomber built in 1952. It has propellers. Our jets today cannot fly slow enough not to stall beside those jets, and we play hockey with those people, so that is not the threat we need F-35s for, I guess. Then there is terrorism. I have a vision of a terrorist who is strapped to a bomb in one of our cities. What is an F-35 jet going to do? Strafe them? No. We need security. We need intelligence. We need relationships around the world with people who can tell us what is happening to them, but we do not need F-35s to strafe some terrorist in downtown Toronto.

There is a threat. Sure, there will be threats of Libyas again and perhaps Afghanistans, God forbid. There are those kinds of things that relate to terrorism, yes, but where is the document? A one-page letter, three paragraphs I think, from the military — written in a day, or maybe 15 minutes — saying this is what we need for a jet. Why do we not get some sort of analysis that says these are the kinds of risks that we think we will confront militarily in the future — like climate change: Where is that going to bite, and how much will that create conflict, as is already being created in Africa?

Honourable senators, sure, there is some risk, but let us look at the risk in climate change, on which the government spends no money. The risk in climate change is infinite. It is absolutely

infinite. You want to wreck an economy, you just keep doing what you are doing: nothing. That is an infinite risk, and the science is settled. It is not a doubt, and the government is doing nothing, absolutely nothing, so we talk about risk.

The other risk is that of lost opportunity, opportunity costs. There is huge opportunity in dealing with the economic possibilities that arise out of climate change.

Let us talk about the comparison there. The risks, I would say, are not comparable. There are pretty serious risks for which we need F-35 jets — another Libya — but there are infinitely serious risks for which we need climate change initiative, real action. Now the government comes back and says we cannot do that because it is going to wreck the economy. It is going to wreck the economy. Is that not interesting? We will spend \$35 billion on jets, most of which — or at least a huge portion of which — will be spent outside of the country. The big technology, the development, all of that stuff is outside the country. They are built outside the country. That will not hurt the economy, just sending that money out of the country. That is what you would say. I would say that is really grievously going to hurt the economy. Billions of dollars are going out for that initiative. I am not saying we should not do it, but I am saying let us compare the costs.

On the other hand, any money put into a climate change initiative will largely stay inside the economy. If we had credits, for example, that you could buy like you can in Alberta now, that money goes to farmers in Alberta who have reduced carbon. It goes to small businesses in Alberta. It creates jobs, some of them for young people, for whom you are not creating any jobs. That money stays in Alberta. Not only that, it stays in rural areas, areas like Senator Mockler's. Where you can build one huge plant for billions of dollars next to, in my case, Edmonton, how many small communities does that keep going? However, if the government builds 1,500, 2,000, 5,000 dispersed wind farms, solar farms and biomass farms around the country, it keeps rural economies going and keeps families in those careful, closed, safe rural communities, just where we should have them.

I am just trying to give a different paradigm. I am trying to shift your paradigm so you can see.

Honourable senators, let us accept the government's logic. There is risk to the F-35s and there really is not any advantage economically to the F-35s. Compare the same parameters. There is risk to climate change and there is huge advantage to dealing with climate change effectively. The two are not mutually exclusive, and in fact the oil economy and dealing with climate change are not mutually exclusive. They are quite unified in their ultimate objective and results. In fact, this is where Senator Unger and I disagree. She says I do not represent Albertan's interests. Oh my God, I cannot believe it. There are Albertans who care deeply about the environment.

In fact, if I wanted to put myself in the Prime Minister's shoes, heaven forbid, and think about what he wants to accomplish with development, the last thing I would do is the kind of climate change anti-policy that he undertakes.

For example, he wants to build the Gateway pipeline. Let us just assume that he wants to build it. If the biggest fear for the Gateway pipeline is not that people are concerned about spills, I do not know what the biggest fear is. The social license for that pipeline, in large part, relates to spills.

Now, what does the marketing genius Mr. Harper do? He closes the office of environmental emergency protection program that deals with spills — the one that was in Vancouver — and he moves it to Quebec. It is good for Quebec, but that is not going to alleviate the fears of the people of B.C. who are concerned about spills.

Honourable senators, let us take Keystone. You have got to curry the favour of interests in the U.S. to build Keystone, so what do we do? Well, Senator Eaton — following Minister Oliver, following Minister Kent — stands in the Senate and elsewhere and attacks, bullies, diminishes, chills international U.S. environmental foundations. What kind of message does that send? Can Mr. Harper not get that if the government wants to build these projects and sell our products, it has to develop a sense of social responsibility, of true credibility on climate change, or the world will not let the government do it, period?

However, that is to say there is a huge future. I would say we all agree that we will be using fossil fuels for a long time. However, the world will not be using a lot of our fossil fuels, or less and less if we are not careful, if we do not do something and show the world that we care — like premier Redford, who gets it — that we are prepared to reduce our carbon, manage it effectively and make it work.

When I look at the budget, it has a nice name, but whenever one reads a Conservative title for a bill or budget one has to know that it means exactly the opposite thing. It is not an economic action plan for prosperity at all. If the government wanted to have an economic action plan for prosperity, it would have one that included live, targeted action leadership in the world for climate change.

Could I have five more minutes, please?

• (1450)

The Hon. the Speaker *pro tempore*: Is more time granted to the Honourable Senator Mitchell?

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Five minutes are granted.

Senator Mitchell: Do honourable senators know what else? One would not create a new environmental review process that the government thinks — or says — will streamline and speed-up the process of development review and approval, but that is actually fraught with so many problems that delay after delay will be created in the courts.

Just this morning, these first-class presenters made the point that the government, with respect to the Fisheries Act, has excluded a very important feature of Aboriginal fishing rights: moderate livelihood. That will not be covered by the act, and it has been very clearly defined by the Supreme Court. It means that

this is a gaping hole that constitutional, legal arguments can be sucked into — it is a black hole of legal arguments — and these projects will be held up in the courts for who knows how long.

How can Mr. Harper think that for one minute he has presented us with any kind of action plan on the economy, when he has presented us with a plan of inaction on the economy? In fact, if I can coin this phrase, it is a “disaction on the economy,” and he is grievously hurting the economy.

There are some things he should be talking about. What about a national labour strategy? We talk about needing to create jobs. In Alberta, sure, we need some jobs, but we have so many jobs that we cannot even fill. Why? We cannot because we have people in one place who do not have a job, sometimes, or they are not trained where they could have been trained, and so we cannot fill those jobs. We have no national coordination of labour strategy.

We do very little to develop, for example, the Aboriginal population and their young people and their needs. I remember Eric Newell of Syncrude once saying that we will never be able to fulfill the labour needs of Alberta for these projects until we can adequately, aggressively fill those jobs with trained, effective Aboriginal young people and young workers. That is just forgotten.

We have a huge economic problem with productivity. It is huge. It is a continuing problem in our economy. If we reduce energy input costs, like we would with a strong conservation strategy, we will immediately, by definition, increase productivity.

There is the question of rural development. There is a hugely important potential for us in our rural areas to unleash creativity, economic potential and entrepreneurship. That could be sustained, as could our farming community, with disbursed green or renewable alternative energy kinds of initiatives.

What about education? What has this government done to make it easier for someone to get an education? What have they done to reduce tuition? That is the future. They have done nothing. In fact, it is quite the contrary: It is getting harder and harder. In some senses, we are cutting our younger people loose.

What about research? They have fundamentally restructured it; they have reduced it fundamentally. They have also restructured it away from any kind of research that is not specifically applied. That is very dangerous not just for creativity and getting really good ideas that one had not expected, but that creates leaps forward with technology advancements.

There is also the question of uncertainty. The oil industry in Alberta is crying out for certainty. What will the cost of carbon be in 10 years? People are not making major capital investments today because they do not know what the cost of carbon will be in 10 years. If we had a government that took it and provided leadership, we could get that and begin to understand what the cost of carbon would be, and they would begin to make investments.

We are on the precipice, in some ways. The markets are changing all over the world, and dramatically. Shale gas is changing dramatically. This government is bringing in a system of environmental reviews that will get bogged down in the courts;

it will be slower. They are stepping back from getting the kind of social licence that they need, and they are absolutely, fundamentally missing every last future opportunity for an economy based on alternative energy; an economy based on science and research; a futuristic, 21st century economy that can be a renaissance for us and for our children and create leadership for Canada in the world once again, like it used to be in the good old days under the Liberal government.

The Hon. the Speaker *pro tempore*: Will the honourable senator accept a question from the Honourable Senator Downe?

Senator Mitchell: Yes.

Hon. Percy E. Downe: I wonder if Senator Mitchell is aware that today, former Conservative member of Parliament Bob Mills indicated that Canadians will “pay a price” for Prime Minister Stephen Harper’s imbalanced and mistaken approach on environmental issues. He said this at a press conference on Parliament Hill earlier today. He is a former MP from Red Deer, from 1993 to 2008 —

Senator Munson: I liked him a lot.

An Hon. Senator: Time.

The Hon. the Speaker *pro tempore*: I regret to advise the honourable senator that his time has expired.

Honourable senators, is there further debate?

(On motion of Senator Carignan, in the name of Senator Buth, debate adjourned.)

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Hubley, for the second reading of Bill S-211, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, given that no one has moved adjournment in his or her name, I know that Senator Comeau wishes to speak to this bill. It would be the second time, for 45 minutes. I therefore move the adjournment of the debate in the name of Senator Comeau.

(On motion of Senator Carignan, for Senator Comeau, debate adjourned.)

[English]

INTERPRETATION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Watt, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-207, An Act to amend the Interpretation Act (non-derogation of aboriginal treaty rights).

Hon. Dennis Glen Patterson: Honourable senators, I rise to speak to Bill S-207, an Act to amend the Interpretation Act (non-derogation of aboriginal treaty rights).

Before addressing this bill, I want to pay tribute to my friend and Senate colleague, the sponsor of this bill, Senator Charlie Watt. Senator Watt was on the board of Inuit Tapirisat that brought me to the North in 1975. He was one of the pioneers of the comprehensive land claims movement in Northern Canada: the first land claim in Nunavut, which paved the way for all the others that followed. They are the most spectacular and ambitious land claims agreements in all of Canada. Senator Watt was also one of the leaders of the Inuit Committee on National Issues, which was pivotal in pressing for the inclusion of Aboriginal rights in the Constitution in 1982.

That is where we start the discussion of this bill. The good news is that the Aboriginal and treaty rights of the Aboriginal peoples of Canada — Inuit, Indians and Metis — are protected and enshrined in the Constitution of Canada. Section 35 of the Constitution Act was, after some hiccups following the so-called “kitchen accord,” restored to the Constitution by nine premiers and the prime minister, giving Aboriginal rights the protection of the supreme law of the land. It is now the anchor of Aboriginal and treaty rights in this country.

The bad news is around the definition of Aboriginal and treaty rights. Although following repatriation there were valiant attempts to give the section more precise definition, the three years of meetings of Aboriginal affairs ministers for federal-provincial-territorial governments and Aboriginal leaders — meetings which Senator Watt and I both attended — never resulted in a more precise definition than what is set out in the bare bones wording of sections 35 and 25.

The courts, of course, given the rather broad language in section 35 and the subsequent failure of political and Aboriginal leaders to give it a more precise definition, have established certain justifiable limits on the extent of Aboriginal rights.

Just as the courts have ruled that there are reasonable limits on freedom of speech — the oft-cited example is that freedom of speech does not mean that one is free to shout “fire” in a crowded theatre when there is no fire — the Supreme Court has ruled in the *Sparrow* decision that even Aboriginal rights, which we all respect, may have certain reasonable limits in special circumstances. I believe a clear example of one of those reasonable limits is found in Bill S-8, the Safe Drinking Water for First Nations Act, which is now in the Senate. Witnesses were heard on clause 3 of

that bill, which contains an exception allowing the infringement of Aboriginal rights, specifically when the safety of drinking water is concerned. An example was cited of a garbage dump or waste disposal site on Indian lands.

• (1500)

Even if there was an Aboriginal right on Indian lands that contained an important community water source, a lawyer for the Department of Justice advised our committee that the clause was necessary to ensure that Aboriginal land rights would not prevail if those rights were employed to justify the establishment of a garbage dump or waste site that jeopardized a source of clean drinking water for the community on those lands. To me, the provision of safe drinking water is a pretty clear "valid legislative objective," as the court described it in *R. v. Sparrow*.

However, enacting clauses piecemeal, on an ad hoc basis, as Bill S-8 proposes, may not be the best solution to this important question.

Parliament has now devised, I understand, no fewer than 19 clauses, in various Statutes of Canada, that have sought to protect the Aboriginal rights enshrined in our new Canadian Constitution by inserting clauses in federal legislation that specifically state that, notwithstanding legislation that might appear to infringe, to one degree or another, on Aboriginal rights in the Constitution, the Aboriginal and treaty rights recognized in the Constitution Act are preserved and respected. These are the so-called non-derogation clauses. As I say, soon there may be another clause in another statute, the proposed safe drinking water for First Nations act, Bill S-8, which takes yet another approach. Clause 3, in fact, has been called a derogation clause because it allows for an exception to the non-derogation words in the bill where Aboriginal rights conflict with protection of safe drinking water and sources.

Honourable senators, in this connection, I may be part of the problem. I will be introducing Bill S-8 for third reading in the chamber next week. I do so because I believe that there is justification for infringing Aboriginal rights where such an important public policy goal as protecting safe drinking water and sources is required. However, some, including my respected colleague Senator Sibbeston, have argued that such a clause is patronizing and represents the thin edge of the wedge.

The *Sparrow* case sets out clear criteria under which an infringement of Aboriginal rights must be justified. There must be a "valid legislative objective," such as natural resources conservation or protection of safe drinking water.

We have a sacred right, which was given recognition, after much struggle, in the highest law of our land, in section 35 of the Constitution Act. I was involved in that struggle, as were Senator Sibbeston and Senator Watt, amongst others. Given that sacred right and given that the courts, including the highest court of the land, and our own federal Parliament have qualified that right and set limits upon it through court decisions and, at last count, 19 versions of the so-called non-derogation clauses, how can we be sure that this sacred right is respected and protected? That is, as I understand it, what Senator Watt's bill, S-207, is all about. The courts, by the way, have not been helpful to date because not a single case has yet considered the array of non-derogation clauses now in place in various federal statutes.

It has been admitted by senior Justice officials that legislative draftspeople take an ad hoc approach to ensure whether statutes might infringe Aboriginal rights and, therefore, whether a non-derogation clause is needed. One senior official before the previous committee even admitted candidly, speaking of the Department of Justice's position on the issue, that:

When dealing with specific requests for inclusion of a non-derogation clause, there was sometimes or perhaps generally little in-depth analysis or discussion concerning the intended purpose or effect of such a clause. . . . Instead, the issue tended to be dealt with on an *ad hoc* basis. Calls for an inclusion of a clause or debates over wording were often made late in the legislative process. In the result, the focus was often on avoiding delays to the passage of the bill, rather than on the impact the provision might have in the operation of the legislation.

As a result, non-derogation clauses were added to statutes often as a matter of compromise or expediency.

I think it is time that we once again seriously examine how we can ensure that Aboriginal rights do not get watered down by further court decisions and by the enactment of federal laws that, perhaps unintentionally, have the cumulative effect of incrementally eroding that most fundamental of rights for the Aboriginal peoples of Canada.

We have thoughtful advice from the Standing Senate Committee on Legal and Constitutional Affairs of the Thirty-ninth Parliament, Second Session, whose chair was Senator Joan Fraser, whose deputy chair was Senator Raynell Andreychuk and whose members included Senator Watt, Senator Lovelace Nicholas and Senator Dyck. In their final report, December 2007, *Taking Section 35 Rights Seriously: Non-derogation Clauses Relating to Aboriginal and Treaty Rights*.

The committee's first recommendation is what led Senator Watt to introduce this bill. Interestingly, their second recommendation also called for the repeal of all non-derogation clauses relating to Aboriginal and treaty rights under section 35 of the Constitution, enacted since 1982, which Senator Watt has chosen not to include in Bill S-207.

Another recommendation called for the Department of Justice to establish a firm practice of vetting each bill proposed for Parliament to review whether the proposed bill would impact Aboriginal rights. We do this for Charter rights. The practice is known as "Charter proofing." Why should we not do it for Aboriginal rights, which are arguably just as important as Charter rights? After all, there is no provision in the Constitution for reasonable qualifications on Aboriginal rights. Those exceptions have been constructed by the Supreme Court since the Constitution was repatriated, most notably in the *Sparrow* case.

This, I think, is the least that we must do to ensure that we are vigilant in protecting and respecting Aboriginal rights.

There is agreement by expert witnesses who the committee heard in 2007 on a number of important points relating to this issue.

First, the ad hoc and sometimes last-minute approach we are now taking, seemingly on a statute-by-statute basis, is not the ideal way to deal with respecting such a sacred right.

Second, there must be a process to vet each bill for possible infringement of Aboriginal rights, as we now do for Charter rights. I was pleased to note that Senator Dagenais endorsed this process when he spoke to this bill on April 4 on behalf of our government.

Third, since there is agreement even from Aboriginal rights lawyers that in certain circumstances infringement of Aboriginal rights is justified, the primary question is really how do we best give recognition to this without eroding those sacred rights.

Senator Watt's bill provides one clear answer, as recommended by the Standing Senate Committee on Legal and Constitutional Affairs in 2007: Put a provision in the Interpretation Act that will apply to all federal statutes.

Interestingly, the committee report noted that putting this clause in the Interpretation Act would not prevent reasonable infringements of Aboriginal rights protected in the Constitution because section 3(1) of the Interpretation Act itself provides that:

... a provision of that Act does not apply to an enactment where a contrary intention appears. Thus, if in the future Parliament considers it inappropriate for the non-derogation clause to apply to a given federal statute, the expression of a contrary intention in that statute would be sufficient to address the concern. In short, we find it preferable, in the interest of upholding the honour of the Crown, to make inclusion of a non-derogation clause in all legislation the default position through the insertion of a provision in the *Interpretation Act*, with explicit action needed to opt out of its application.

It is timely that this question, and what I see as a growing legislative problem, be addressed once and for all. I commend Senator Watt for bringing this important bill forward to this chamber, and I put my trust in the Standing Senate Committee on Legal and Constitutional Affairs to build on the work done in 2007 — and I would respectfully recommend that previous testimony be adopted, if possible — and to recommend a way to resolve this vexing question through its examination of Bill S-207.

It is, I think, noteworthy that the Standing Senate Committee on Legal and Constitutional Affairs, which included many current members of this chamber, recommended a non-derogation amendment to the Interpretation Act with all-party support. That committee is now the place to finish the job of making order out of disorder.

Hon. Nick G. Sibbeston: Honourable senators, the matter of non-derogation clauses in federal legislation has been before the Senate on numerous occasions. Since I came to the Senate in 1999, as bills dealing with Aboriginal matters came before Parliament they invariably contained a non-derogation clause. I first dealt with a matter, along with Senator Watt and other Aboriginal senators then in the chamber, in the fall of 2001, when it arose as part of the Nunavut Waters Act. These clauses had been appearing in federal legislation as early as 1985, generally mirroring the wording found in section 25 of the Constitution Act.

• (1510)

The standard wording was “nothing in this Act shall be construed so as to abrogate or derogate from any existing Aboriginal or treaty rights of the Aboriginal peoples of Canada under section 35 of the Constitution Act.” That was very clear and simply stated.

In the late 1990s, a variation on the standard wording began to appear in legislation. At first, only a few lawyers working with Aboriginal organizations noticed this change. However, as they began to accumulate, some of us began to see it as an attempt by Justice Department lawyers to weaken these words that were intended to protect the rights of Aboriginal people. It is a slightly different word here and there. It seems innocent and innocuous, but when it is dealt with by courts, it could lead to a very different interpretation. The courts would certainly get the impression that Parliament wanted the rights of Aboriginal peoples to be less than they had been and we were concerned about that.

On the one hand, Justice Department officials who appeared before us said that these clauses had no impact anyway, as the Constitution was supreme. On the other hand, they stated that that wording in section 25 of the Constitution would really protect Aboriginal peoples.

In my view at the time, these clauses were indicators to the courts that they should be mindful of Aboriginal rights in applying the law. As I said, to remove or modify them could result in a different interpretation by the courts. It could even result in unintentional infringement of rights. As Jim Aldridge, a lawyer for the Nisga'a, stated, it was “drive-by derogation.”

These clauses were sometimes amended and sometimes allowed to stand. There was always active debate in committee when we considered bills that contained them. It was questioned whether the clauses should be in the legislation or whether we should amend them or delete them. In some cases it was decided that rather than having weak legislation we should just omit them.

After several years passed and numerous pieces of legislation were dealt with, the government agreed that the matter of non-derogation clauses should be studied, and that was undertaken by the Standing Senate Committee on Legal and Constitutional Affairs in 2000.

The committee persevered in its work despite electoral interruptions and other pressing business. We consulted widely with government, academics, lawyers and, most important, Aboriginal organizations and communities. The committee finally released its report in December 2007. The committee recommended that the Government of Canada take immediate steps to introduce legislation to add to the federal Interpretation Act the non-derogation provision that I referred to earlier. It also recommended that every enactment shall be construed so as to uphold existing Aboriginal and treaty rights recognized and affirmed under section 35 of the Constitution Act and not to abrogate or derogate from them.

The government, in its response in July 2008, said that continuing the previous ad hoc approach to non-derogation was unsustainable and contained risk. They further said that the

legislative solution was worthy of serious consideration. Yet, we continue to see non-derogation clauses, often with new and inventive words, appearing in government bills. We are dealing with one example right now in Senator Patterson's Bill S-8. It was not even a non-derogation clause; it simply stated outright that the government would derogate from the rights in certain instances. That is how far this whole matter has come.

Senator Watt's bill proposes to do exactly what the committee recommended more than four years ago. It is a practical and effective solution to an important problem and would free up legislators to deal with the main points of legislation. We often get sidetracked and spend a great deal of time on the non-derogation clauses. If this were dealt with in the way that Senator Watt has proposed, it would deal with that issue and we would be able to focus on the main issues of the bills that come before us.

I urge all honourable senators to support the bill, send it to committee and eventually pass it.

Hon. Joan Fraser: Would Senator Sibbeston take a question?

Honourable senators, I will put something to Senator Sibbeston that I would have said in response to Senator Patterson had I risen to my feet quickly enough.

Would Senator Sibbeston be good enough to convey to Senator Patterson the following: Although he was kind enough to mention that I had been chair of the Standing Senate Committee on Legal and Constitutional Affairs, my clear recollection is that a great deal of the work on this report, of which we were all very proud, was done under the chairmanship of our present Speaker *pro tempore*, the Honourable Senator Oliver.

The Hon. the Speaker *pro tempore*: There being no further debate, are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Watt, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[Senator Sibbeston]

• (1520)

THE SENATE

MOTION TO URGE GOVERNMENT TO OFFICIALLY APOLOGIZE TO THE SOUTH ASIAN COMMUNITY AND TO THE INDIVIDUALS IMPACTED IN THE KOMAGATA MARU INCIDENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Munson:

That the Government of Canada officially apologize in Parliament to the South Asian community and to the individuals impacted in the 1914 Komagata Maru incident.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, this motion has been before the Senate since November 2, 2011. There is little debate among any honourable senators in this chamber that the *Komagata Maru* incident represents a dark spot in Canadian history that was tragic and regrettable.

Senator Jaffer spoke compellingly in this chamber recounting the horrific experience of the 376 South Asians who sailed to Canada in 1914 in the hopes of a better life. Senator Martin also spoke and reminded us of how far we have come as a country, no longer afflicted with that widespread, deep-seated prejudice against immigrants and minorities that was the cause of the *Komagata Maru* incident.

Four years ago, the Prime Minister offered his apologies to a group of South Asians in Surrey, British Columbia. It is now time to make that apology, in an official and formal way, to the entire community. Just as Canada has done for Chinese Canadians stigmatized by the head tax and for Aboriginal people who were victims of the residential school system, it is now time for Canada to put on record an official apology to the South Asian community for the *Komagata Maru* incident.

I believe that all honourable senators should take an important step in righting this wrong by passing this motion today.

(On motion of Senator Carignan, debate adjourned.)

[Translation]

ELECTORAL RIDING REDISTRIBUTION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chaput calling the attention of the Senate to the process for readjusting federal electoral boundaries and the impact it could have on the vitality of official language minority communities.

Hon. Fernand Robichaud: Honourable senators, this is a timely issue since, in all provinces, the commissions dedicated to redistributing electoral ridings are considering the options.

I think that in New Brunswick, we should be receiving a preliminary report shortly. It is absolutely necessary and important for the commission members — and I have no doubt that they will do this — to take into account most of the points that Senator Chaput shared with us and that I would like to speak about in a few days. I therefore propose that the debate stand until the next sitting of the Senate.

(On motion of Senator Robichaud, debate adjourned.)

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Mobina S. B. Jaffer, pursuant to notice of June 7, 2012, moved:

That the Standing Senate Committee on Human Rights have the power to sit at 6:15 p.m. on Monday, June 11, 2011, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, June 11, 2012, at 6 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, June 11, 2012, at 6 p.m.)

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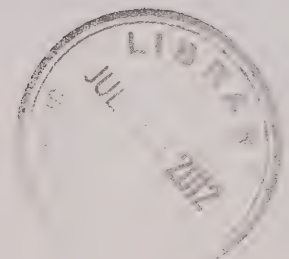
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OFFICIAL REPORT
(HANSARD)

Monday, June 11, 2012



The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Monday, June 11, 2012

The Senate met at 6 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

DR. GORDON GORE

CONGRATULATIONS ON NATURAL SCIENCES AND ENGINEERING RESEARCH COUNCIL AWARD FOR SCIENCE PROMOTION

Hon. Nancy Green Raine: Honourable senators, I rise today to congratulate and pay tribute to a very special man in the community of Kamloops, British Columbia.

Dr. Gordon Gore has been awarded a \$10,000 prize from the Natural Sciences and Engineering Research Council of Canada, NSERC, for his leadership and dedication to the promotion of science.

The NSERC Awards for Science Promotion honour individuals or groups who make an outstanding contribution to the promotion of science in Canada through activities that encourage popular interest in science or that develop science abilities. Gordon Gore has definitely done that through his long career as a science teacher, as an author of textbooks, resource materials and general interest science books and, most importantly, in his retirement years, where his passion and creativity led to the founding of the BIG Little Science Centre in Kamloops.

When Dr. Gore retired, he began to visit schools and classrooms throughout our district, bringing a variety of interesting items to show the kids and to let them do fun stuff with science. Soon the back of his truck housed a collection of equipment that he would patiently unload, set up and show the kids.

In the spring of 2000, the BIG Little Science Centre was established in an empty classroom, and it has grown from there to an 8,000 square foot facility that now attracts more than 15,000 visitors a year. Housed in a surplus elementary school, the centre offers hands-on experiences to visitors of all ages that make science entertaining and accessible. It helps visitors develop a passion for science by running camps, clubs and traveling exhibits. The centre is manned primarily by volunteers, most of whom are also retired science teachers, engineers and scientists. Exhibits by the BIG Little Science Centre are the first place children will head to at community festivals, and by reaching out to the public, the centre has earned financial support from both local and provincial businesses as well as support from the local school board.

Gordon Gore is truly the spark plug of the non-profit organization that operates the science centre. In spite of being diagnosed with ALS three years after the centre opened, Dr. Gore

continues to come in daily, and, from the twinkle in his eye, you can see he still enjoys connecting with kids and turning them on to science. His upbeat and fun personality motivates all who work with him.

Honourable senators, I cannot think of anyone who deserves NSERC's recognition more than Dr. Gordon Gore. The president of NSERC, Suzanne Fortier, put it in perspective: "Dr. Gore's effort to stimulate an interest in science, particularly among young people, is essential to Canada's future capacity to innovate and prosper."

Gordon Gore's philosophy that science is best learned in a fun, hands-on environment has guided him for more than five decades. One of the staff gave another perspective: "What we have is a great place to enjoy teaching without report cards and politics."

Thank you, Gordon Gore, and thank you to all the volunteers at the BIG Little Science Centre who are inspiring so many kids to love science.

DIAMOND JUBILEE MEDAL RECIPIENTS

Hon. Larry W. Smith: As we mark the sixtieth anniversary of Her Majesty Queen Elizabeth II's accession to the throne and honour Her Majesty's dedicated service to Canada, it is also fitting to recognize and honour the outstanding and significant achievements and contributions made by Canadians to their community and to their country.

[Translation]

On May 23, 2012, I had the privilege of honouring some Canadian men and women with the Queen Elizabeth II Diamond Jubilee Medal for the contributions they have made in their respective fields of endeavour: health, palliative care, the military, politics, sport, charitable work, medicine, business and philanthropy.

[English]

These individuals, representing the cultural diversity of Canada, are the true heroes of our communities. They have tirelessly devoted their time to others and to numerous charitable organizations. They are the people who inspire others to become involved and to make a difference. What was particularly great about that evening is that over 200 members of family and guests made this a special event.

Let me read their names for honourable senators.

Pioneers in palliative care: Dr. Balfour Mount, O.C., O.Q.; Sylvie C. Crevier, M.Sc. PG; Teresa Dellar, M.S.W., P.S.W., FT; Russell Williams.

Creators of charities: Sid Stevens and Earl de la Perralle, who developed Sun Youth; Ginger Petty; Daniel Germain, O.C., O.Q., Breakfast Clubs of Canada; and Claude Chagnon.

Service to our country and supporting our Canadian Forces: Brigadier-General Sydney Valpy Radley-Walters, CMM, DSO, MC, CD; Corporal Robert Routledge; Lieutenant-Colonel Steven Dubreuil; Major John Hlibchuk; Chief Warrant Officer Donald Green; and Stephen Robert Gregory.

Leadership in charities: Peter A. Howlett, C.M.; Guy Saint-Pierre, C.D., C.O.Q.; Jacques Bougie, O.C.; L. Jacques Ménard, O.C., O.Q.; Michèle Thibodeau-DeGuire, C.M., C.O.Q.; Nick Di Tomasso; James W. Hewitt; James D. Hindley; and Peter Dalla Riva.

Services and care to their communities: Judith Tellier; Dr. Leonard Welik; Dr. Ron Hrynioski; Frank Royle and Michel Bissonnet;

Community leadership: Halina Kula-Swinburne; Michel Gibson; Grand Chief Michael Delisle, Jr.; Marianna Simeone; Michael Di Grappa; Eric Bissell; Marilyn Frankel; Ted Greenfield, F.C.A.

I would like to thank these men and women for their tireless work in making their communities a better place to live and I wish them well and continued success in their future undertakings.

I hope that these honoured citizens serve to inspire every one of us to ask, "What more can I do to serve my country and my communities?"

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, I would like to take this opportunity to salute two of our departing pages.

Artour Sogomonian, who is this year's Chief Page, was born in Russia to Armenian parents and immigrated to Canada in 1998. He has served in the Senate for three years as a page while studying political science and law at the University of Ottawa. Artour will continue to work in the Senate Administration in the coming year as he completes his undergraduate degree.

• (1810)

Victoria Deng was born in Toronto and now calls Keswick, Ontario, home. She has recently completed a bachelor's degree in journalism with combined honours in political science and French at Carleton University. Victoria plans to pursue new career opportunities this summer.

[Translation]

ROUTINE PROCEEDINGS

NATIONAL DEFENCE

SECOND INDEPENDENT REVIEW OF BILL C-25—DOCUMENT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the document entitled: "The Second Independent Review by the Honourable Patrick J. LeSage C.M., OOnt., Q.C. of the provisions and operation of Bill C-25, An Act to amend the National Defence Act and to make consequential amendments to other Acts."

COMMENTS OF THE MINISTER ON THE SECOND INDEPENDENT REVIEW OF BILL C-25 AND BILL C-60—DOCUMENT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a second document entitled: "Comments of the Minister of National Defence on the Report of the Second Independent Review Authority regarding Bills C-25 and C-60."

CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

INVOLVEMENT IN SECOND ROUND OF FRENCH PRESIDENTIAL ELECTION, MAY 3-6, 2012—REPORT TABLED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-France Interparliamentary Association respecting its involvement in the second round of the French presidential election, held in Paris, France, from May 3 to 6, 2012.

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF POTENTIAL REASONS FOR PRICE DISCREPANCIES OF CERTAIN GOODS BETWEEN CANADA AND UNITED STATES

Hon. Joseph A. Day: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that later this day, I shall move:

That, notwithstanding the order of the Senate adopted on Thursday, October 6, 2011, the date for the presentation of the final report of the Standing Senate Committee on National Finance on its study of the potential reasons for price discrepancies in respect of certain goods between

Canada and the United States, given the value of the Canadian dollar and the effect of cross border shopping on the Canadian economy, be extended from June 30, 2012 to December 31, 2012; and

That the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[English]

THE SENATE

NOTICE OF MOTION TO URGE THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO GRANT CLEMENCY TO HAMID GHASSEMI-SHALL AND TO ADHERE TO ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Hon. Linda Frum: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the Government of the Islamic Republic of Iran to grant clemency to Hamid Ghassemi-Shall on compassionate and humanitarian grounds, call for his release and return to his family and spouse in Canada, and urge Iran to reverse its current course and to adhere to its international human rights obligations.

TRINIDAD AND TOBAGO

NOTICE OF INQUIRY

Hon. Don Meredith: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to:

- (a) the importance of relations between Trinidad & Tobago and Canada over the past 50 years.
- (b) the contributions that people of Trinidadian & Tobagan descent have made to Canadian society.

[Translation]

PROMOTION OF ALBERTA'S INTERESTS

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the connection between maintaining the social license to operate in the energy sector and promoting Alberta's interests.

[English]

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

YOUTH EMPLOYMENT LEVELS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

With the release of the Statistics Canada monthly Labour Force Survey last week, we learned that over the month of May the economy added just 1,400 full-time jobs and 6,300 part-time jobs, a much weaker performance than previous months.

What alarms me the most of this newly released survey are the unemployment rates for youth aged 15 to 24. These figures remain overwhelmingly high, at 14.3 per cent compared to 10.9 per cent at the start of the recession in August 2008. The real unemployment rate, which includes discouraged workers and those waiting for a job to start, is even higher, at 22.7 per cent of youth aged 15 to 24. This means that there were 45,800 fewer youth employed in Canada in May 2012 than there were a year earlier.

Why is this government not acting in view of these alarming statistics affecting thousands of young Canadians?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as the Honourable Senator Tardif pointed out, the Statistics Canada job numbers came out last Friday. They were generally in line with what economists were forecasting, especially in view of the extremely high job growth in the two previous months.

Canada continued its economic growth for the first quarter of 2012, and May's job numbers mean that nearly 760,000 new jobs have been created since July 2009: 90 per cent full time and 80 per cent private sector. Of course, these are all positive signs that the government is on the right track.

With regard to the number of unemployed youth, honourable senators, obviously these are of great concern to the government. Those numbers were largely impacted by a lot of young people leaving university. Some of them are students that are planning to go back to university, post-secondary education, in the fall. Of course, the government, as honourable senators know, has many programs for student jobs over the summer.

However, I would be remiss if I did not express on behalf of the government some concerns about the numbers.

[Translation]

Senator Tardif: Honourable senators, I have a supplementary question.

Young workers continue to bear the brunt of unemployment in Canada. The unemployment rate for youth between 15 and 24 is twice as high as the national unemployment rate. That is shameful, Madam Leader. The financial crisis of 2008 has

destroyed every increase in employment that had been made since 2002. Ken Georgetti, president of the Canadian Labour Congress said that:

Ottawa prefers to chop public sector jobs and provide tax breaks to corporations in the hope that they will create jobs but they are not doing that. Young workers are the victims of poor public policy.

Mr. Georgetti added that older workers are afraid to leave the workforce because their pensions have been eroded and that means there is less room for young people to enter the workforce.

• (1820)

Madam Leader, a better youth employment strategy is needed, given these worrisome statistics. A dollar invested in Canadian youth is a dollar invested in the future of our country. What is the government going to do to address this serious problem?

[English]

Senator LeBreton: Honourable senators, I think it was backed up by many economists who were reporting on the job numbers last week on the youth side that we must not lose sight of the fact that 760,000 jobs have been created since the economy took that bad hit in 2008-09.

With regard to youth employment, the government has invested considerably to help youth get jobs and work experience. In 2010-11, through the Youth Employment Strategy Program, we helped 57,000 youth get the job skills and work experience needed to successfully enter the labour market. Budget 2012 commits \$50 million over two years to enhance the Youth Employment Strategy Program. This program will be required in view of the numbers.

Previously, we permanently increased Canada's Summer Student Employment Program by \$10 million; 3,550 additional jobs were created per year for a total of over 36,000 jobs for students during the summer. Budget 2011 supported the Canadian Youth Business Foundation for the creation of hundreds of businesses and thousands of jobs. It also supported Career Focus, Pathways to Education and Skills Link.

Honourable senators, I think the government has made a concerted effort for those youth who do not aspire to university education to have the opportunity to take part in trade schools and skills training because there are labour shortages across the country in the skills trades.

ENVIRONMENT

NATIONAL ROUND TABLE ON THE ENVIRONMENT AND THE ECONOMY

Hon. Grant Mitchell: Honourable senators, in a recent interview, as rare as they are, the Prime Minister said:

If it's the case that we're spending on organizations that are doing things contrary to government policy, I think that is an inappropriate use of taxpayers' money and we'll look to eliminate it.

Since when did Canada get a Prime Minister who thinks that he governs only for the 39 per cent who voted for him and not for all Canadians with all their different views and their interest in having an open public policy debate on so many issues, particularly those on which they might disagree with the Prime Minister of Canada?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I think the honourable senator has taken what the Prime Minister has said completely outside of context, which is not surprising.

Senator Mitchell: I do not think so.

Senator LeBreton: The honourable senator's own leader today has joined with the Leader of the Official Opposition in suggesting that Canadians' hard-earned tax dollars be used to bail out European economies.

Senator Fraser: What does that have to do with the price of eggs?

Senator Mitchell: I know the leader would like to build a firewall around Canada, so I guess that would be consistent with her not wanting to help the rest of the world do much of anything.

This is an interesting statement about openness, and it is from Bob Mills, a former Conservative member of Parliament. He is from Red Deer, Alberta, and is right wing in many respects. He says about the round table:

I've always said that if you're smart you surround yourself with really smart people. And if you're dumb, you surround yourself with a bunch of cheerleaders. We don't need cheerleaders. What we need are smart people. And in the round table, a collection from all walks of life, all different political stripes, it didn't matter — but they were pretty smart people.

I wonder which groups will be left to consult and give this Prime Minister objective advice on things like climate change and the environment if he has just laid off the round table and left himself with a bunch of cheerleaders in the caucus that I guess are the only people he ever talks to.

Senator LeBreton: The Honourable Senator Mitchell guessed wrong. I am not questioning, nor is the government, the qualifications of the various individuals over the years who have served on the National Round Table on the Environment and the Economy. I think I explained to the honourable senator that I was actually in the room and at the table when this organization was established back in the 1980s. It met a requirement and need at the time, but times change, and at the present time there is no shortage of organizations that are able to provide advice and research. There is now no longer a need for the National Round Table on the Environment and the Economy, and it is time to put the funding for this organization to better use on behalf of the taxpayers.

Senator Mitchell: What we are talking about here is open public policy debate, input and the fact that people do not need to be and should not be intimidated to be able to give advice to the Prime Minister. On the other hand, if someone wants to get into one of the Prime Minister's rallies, they need a ticket. He attacks, in the most scurrilous fashion, perfectly legitimate environmental NGOs.

Apart from a few photo opportunities at Tim Hortons, could the leader tell me when the Prime Minister last sat down and talked to ordinary, everyday working Canadians, the ones he talks about so often? When do they get a chance to talk to the Prime Minister of this country?

Senator LeBreton: I would not expect the Honourable Senator Mitchell to be interested in what the Prime Minister does on a daily basis, but he has opportunity each and every day to talk to regular —

Senator Mitchell: Right, behind his glass windows.

Senator LeBreton: — Canadian taxpayers who work hard, play by the rules and appreciate the efforts of this government to focus on jobs, the economy and our short-term and long-term prosperity.

Senator Mitchell: This government attacks environmental groups and calls them eco-terrorists. Captain Trevor Greene was wounded with an axe in his head fighting real terrorists. I will ask this question on his behalf. Why would this government diminish the efforts of Canadian men and women in the military who are fighting real terrorists around the world for democratic rights so that environmental NGOs can speak out without being intimidated, without being bullied by this government by being called terrorists? This government is diminishing all the work, effort, risk, and lives lost and wounds taken by the Canadian men and women who are fighting for democratic rights.

Senator Stratton: That is called verbal diarrhea.

Senator LeBreton: As was the case for many years in this country, and as is the case now and will be the case in the future, people are entitled to their own opinions.

Senator Mitchell: Not if they are an NGO.

Senator LeBreton: Citizens speak up, and obviously that is their right. Not everyone has to agree with them. I do not have to agree with the honourable senator and he does not have to agree with me. That is quite obvious. That is it what democracy is all about.

The Prime Minister and the government take their responsibilities seriously. We are making many great strides on behalf of the environment and climate change. We, of course, never get any credit for it.

Senator Munson: There is too much hot air.

Senator LeBreton: Having said that, individual Canadians are free to express their views, and we can accept their opinions or we cannot. That is what a democracy is all about, and that will continue as long as we are around this place.

Senator Mitchell: It scares me when the leader says she disagrees with me. She will not get the CRA to audit me, will she?

Bob Mills says the world is moving to a low carbon economy, and whether we know it or not, we will have trade barriers put on us. We will have all kinds of things happen to us if we are an environmental laggard, so it is really important.

Can the honourable leader tell me if the Prime Minister of Canada has ever been briefed by environmental scientists on one of the most important environmental issues facing this country and the world? Has the Prime Minister ever had a briefing in any kind of detail from environmental scientists who really know what is going on?

• (1830)

Senator LeBreton: Honourable senators, it is obvious that many people work with the government and many people advise the government, and they are absolutely listened to. Their views are taken into account and acted upon.

I do not know what Senator Mitchell's CRA crack meant. It might be because it is Monday night, but that went right over my head. The Prime Minister and all the people in the government work very hard, listen to Canadians, act on suggestions and make decisions that we believe are in the best interests of the country and our citizens because, at the end of the day, we must ensure that the Canadian economy flourishes, that there are jobs available for people and that this country benefits in the long and short term from our great potential.

TREASURY BOARD

PUBLIC SERVICE SEVERANCE ALLOWANCES

Hon. Robert W. Peterson: Honourable senators, will the Leader of the Government in the Senate care to comment on the \$1.2 billion that has been spent buying out contracts of civil servants and paying severance allowances? Normally severance allowances are paid when someone is discharged without cause, but in this case the government is paying severance to people who are voluntarily leaving the labour force. Even more ludicrous, they are making severance payments to workers who are continuing to work. Could the leader please explain that for us?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, these are all issues with which the government is seized at the moment. The government has already taken steps with regard to some of these policies. We have an excellent public service in this country. The changes we are making as a result of Budget 2012 are nowhere near the draconian changes that were made in the mid-1990s. The President of the Treasury Board works with the various unions to deal with public servants when they retire or leave their positions.

Senator Peterson: I am not questioning the capability of civil servants. However, would the leader inform us whether we are paying huge severance allowances to people who continue to work? Honourable senators would like to know whether that is happening.

Senator LeBreton: That is a good question, honourable senators. I will take the question as notice and refer it to my colleague, the President of the Treasury Board, the Honourable Tony Clement. I know that the government has taken some steps. I do not have the details at my fingertips, but I will be happy to provide them as a written response.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

NATURAL RESOURCES—REDUCTION OF GREENHOUSE GAS EMISSIONS

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 25 on the Order Paper—by Senator Mitchell.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Consiglio Di Nino moved third reading of Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons).

He said: Honourable senators, I am pleased to speak to Bill C-26, an Act to amend the Criminal Code (citizen's arrest and the defence of property and persons). I would like to begin by thanking the members of the Standing Senate Committee on Legal and Constitutional Affairs for their work in studying the bill and adopting it without amendment, in large measure because of the excellent testimony heard over four sessions.

The committee heard from a number of associations representing a range of diverse and relevant fields of expertise. In relation to the impact of Bill C-26 on policing, the committee heard testimony from the Canadian Police Association and the Canadian Association of Chiefs of Police. From the legal profession the committee heard from the Criminal Lawyers' Association, the Canadian Bar Association and the Canadian Association of Crown Counsel. The Canadian Criminal Justice Association testified and provided the view of its members. A defence lawyer came to share his personal experiences and thoughts, and two law professors also shared their academic viewpoints.

The impact of the changes to the law of citizen's arrest on the private security industry arose often as a topic of discussion at committee proceedings. To help inform the committee about the nature of the industry and how it is regulated, the committee heard from the Association of Professional Security Agencies and the Canadian Convenience Store Association, an industry that

employs some 180,000 people, a figure which shocked me. They provided valuable insight into the overall picture of convenience stores in Canada, their profit margin, the enormous impact of theft on the ability of many of these businesses to remain afloat and the hard work of the owners and employees of these businesses.

Perhaps most important, the committee heard from those whom Bill C-26 is intended to aid; namely, individual Canadians who, through no fault of their own, found themselves in the position of being victims of crimes and who may have had no choice but to act. In particular, the committee heard from David Chen and his lawyer. Senators will no doubt recall that Mr. Chen was charged with a number of serious criminal offences after apprehending a person who had stolen from his store only a few hours earlier and then returned to the store. Mr. Chen was ultimately acquitted, but he shared with the committee his experience of being a hard-working small business owner who only intended to protect his property from being stolen yet found himself caught up in the criminal process as an accused person.

We also heard from Joseph and Marilyn Singleton, two courageous Canadians whose encounter with an intruder in their home one night led to Mr. Singleton being charged with and prosecuted for serious offences.

[Translation]

All of the witnesses who testified before the committee made crucial observations about the many ways that crime affects us all. Their statements truly revealed how Bill C-26 could change Canadians' lives in many ways.

The committee's study was meticulous. Members worked together to understand all the ramifications of Bill C-26. They all agreed on the importance of weighing the opposing principles set out in criminal law. On one hand, criminal law must enable individuals to take responsible action in emergency situations when they are victims of crime and when no police officer is nearby to protect them and enforce the law.

• (1840)

On the other hand, criminal law must apply equally to everyone and, above all, while the law authorizes the use of force in self defence against a criminal act, that force cannot be excessive or unreasonable.

There was also much discussion about the discretion of the police to lay charges against people who seek to protect their persons and property. It is not within Parliament's jurisdiction to draft legislation that governs the exercise of this authority. However, we hope that the changes made by Bill C-26 will ensure that the police strike the right balance between the right of citizens to defend the actions taken and the situation they find themselves in, through no fault of their own, so that, ultimately, charges are only laid when appropriate.

Honourable senators, you will recall that Bill C-26 seeks to responsibly expand the citizen's power of arrest, and to simplify and clarify the right to defend persons and property, which is a measure that is long overdue.

As for the power to make a citizen's arrest, we should look at the current legal situation. At present, section 494 of the Criminal Code gives citizens several distinct powers of arrest. In all cases, the citizen who arrests a suspect must hand the suspect over to the police as soon as possible. The power of arrest does not confer the authority to detain someone longer than is necessary for the police to be called, arrive on the premises and give other instructions.

The citizen's arrest power amended by Bill C-26 is set out in subsection 494(2). It permits someone to stop the person who commits a criminal offence on or in relation to property.

At present, under the existing authority, citizens are only allowed to arrest a person they find in the process of committing a criminal offence. This is an important restriction that can make an arrest illegal if it takes place a short time after the discovery of the offence, for instance, when the suspect returns to a store that he stole from only an hour earlier.

Bill C-26 proposes a minor amendment to the Criminal Code to extend the time in which an arrest can be made. Thus, in addition to allowing the arrest of a suspect when he is committing the offence, the arrest can be made "within a reasonable time" after the offence is committed. This amendment will ensure the legality of any arrests that take place shortly after the offence is committed. This way, we can avoid those unfair situations in which the law treats the property owner as a common criminal.

Honourable senators should note that, before exercising this new expanded power, the person who makes the arrest must ask himself if the police could make the arrest instead. Citizen's arrest is only lawful when the police cannot carry out the arrest. This requirement is intended specifically to reduce the risk of vigilante behaviour and to discourage citizens from enforcing the law when the police are available to do so instead.

[English]

Several witnesses who appeared at committee expressed concerns about the potential for this expanded arrest power to be used inappropriately by private security companies and personnel to the detriment of Canadians. However, the committee was not persuaded that the legislation would open the door to abuse or that the private security industry is unaccountable for its misconduct. On the contrary, the private security industry is regulated in every province and, as the committee learned, the various regulatory bodies are working together to harmonize their requirements. Under these laws, private security personnel must be licensed and meet certain training requirements. Licences can be revoked when there is misconduct. In addition, civil lawsuits are always available as a remedy where a person has been wronged by a private security agent. Criminal prosecutions for unlawful arrests or other criminal conduct are also always possible.

In brief, individuals employed in the private security industry are no less accountable than those employed in any other industry, and provincial governments can always add to the requirements if the need arises. Indeed, a number of senators expressed the view that this may be an opportune time for federal, provincial and territorial ministers to explore national regulatory

oversight standards for private security companies. The government is confident that the proposals in Bill C-26 are reasonable and will not unduly jeopardize the safety of Canadians.

Honourable senators, in relation to the reforms to self-defence and defence of property, the witnesses who appeared before the Committee were, on the whole, very supportive of these proposals.

There is a dire need to reform these defences because of the way they are worded in the Criminal Code. It has taken dozens of appellate and Supreme Court cases to help criminal lawyers understand the essence of self-defence, but the fact that lawyers now might understand how the law is applied does not help the citizen if the text of the law remains incoherent.

Currently, these laws are set out over nine provisions, with variations for each defence based on the specific facts of the case. However, honourable senators, does it really take that many words to convey the elements of these defences? Bill C-26 demonstrates that this is not so. The proposed new defences would state the law in its most fundamental elements, which always guide their application regardless of the particularities of the situation.

As for defence of the person, the new defence would state simply that a person is protected from criminal responsibility if the following three conditions are met: first, they reasonably believe that they or another person are being threatened with force; second, they act for the purpose of defending either themselves or the other person against that force; and, third, their actions are reasonable in the circumstances.

All Canadians should be able to understand what it means to have a reasonable apprehension about a threat against them. It is not necessary that the apprehension be objectively true, but if there is not an actual threat, what matters is that the person's perception of a threat is reasonable in the circumstances. Canadians also will know what it means to act for a defensive purpose. Revenge attacks are not defensive, for instance. Finally, whatever actions are taken for a defensive purpose, those actions should fall within a range of reasonable responses. In fact, most cases will likely succeed or fail on the question of whether the actions taken were reasonable. This important determination must be made on the unique facts and circumstances of each individual case.

Bill C-26 tries to facilitate the application of the new law by identifying some of the more frequently occurring considerations. A non-exhaustive list of factors is provided to guide Canadians and to signal to the courts that will interpret the new law that the many cases that interpret the old law should continue to be applied.

• (1850)

One very important factor, although rare, is whether the incident took place within an abusive intimate relationship. In the *Lavallee* judgment of the Supreme Court of Canada in 1990, it was recognized that juries may have difficulty understanding how a battered partner might stay in an abusive relationship and might

conclude that the failure to leave the relationship was unreasonable, thereby potentially depriving an abused person of the right to use force in self-defence against their abuser. The court held that expert evidence would provide an explanation as to why an accused did not flee when they perceived their life to be in danger. This evidence should be assessed in the broader question of whether the accused's belief about the danger they faced was reasonable. The court also held that it was not a requirement of the law that the threat be imminent. Threats of harm in the future may also trigger a right to act in self-defence if there was no realistic way of avoiding the threat.

Both of these factors were reflected in the list that is provided. In this way, the list makes clear that such rulings from the courts continue to be part of our self-defence laws. Other relevant factors include the nature of the threat and the response to it, the presence of any weapons, and the relative physical abilities of the parties, such as their age, size and gender.

The new defence of property is also reduced to its core elements, most of which are very similar to self-defence. For the defence of property to succeed, first, the person must reasonably perceive that someone else is about to or has just done one of the following: enter property without being legally entitled to or take, damage or destroy property. Second, the person must act for the purpose of preventing or stopping the interference with property. Third, the actions they take must be reasonable in the circumstances.

[Translation]

In conclusion, honourable senators, I will say that Bill C-26 clarifies and expands on a number of provisions in the Criminal Code that authorize Canadians to take action that would otherwise be prohibited, in response to an emergency involving a threat to the security of persons or property.

No one would ever want to find themselves in such a situation, but it is clear that such legislation is necessary. It will enable Canadians to defend their fundamental interests as needed, while at the same time dissuading them from becoming confrontational or having an excessive reaction. This legislation represents a measured and appropriate response to complex, difficult situations.

I urge all senators to support this bill.

(On motion of Senator Tardif, debate adjourned.)

[English]

SAFE DRINKING WATER FOR FIRST NATIONS BILL

THIRD READING—DEBATE ADJOURNED

Leave having been given to revert to Government Business, Bills, Order No. 1:

Hon. Dennis Glen Patterson moved third reading of Bill S-8, An Act respecting the safety of drinking water on First Nation lands.

He said: Honourable senators, I am pleased to lead off consideration at third reading of Bill S-8, the Safe Drinking Water for First Nations Act. As honourable senators will know,

this bill proposes a regulatory framework that would allow the federal government, in partnership with First Nations, to develop federal regulations to ensure that First Nations have access to safe, clean and reliable drinking water, effective treatment of wastewater and the protection of sources of water on First Nations lands.

Bill S-8 is the product of a comprehensive effort involving research, engagement, consultation, review and revision of its previous version, Bill S-11, which died on the Order Paper in March 2011 at the dissolution of Parliament. Many groups, including the Standing Senate Committee on Aboriginal Peoples, participated in the development of the proposed legislation. From when it was originally introduced as Bill S-11 in May 2010 until the conclusion of hearings on Bill S-8, the Standing Senate Committee on Aboriginal Peoples heard from approximately 52 witnesses representing some 34 groups and received numerous submissions.

Bill S-8 fully deserves the support of this chamber, and I encourage my fellow senators to pass it at third reading.

Between 2006 — when the Government of Canada's five-point Plan of Action for Drinking Water in First Nations Communities was initiated — and 2013-14, this government will have invested approximately \$3 billion in First Nations water and wastewater systems. In fact, Budget 2012, despite government-wide restraint measures, committed more than \$330 million over two years to on-reserve drinking water.

As these investments indicate, the government appreciates that solving the complex problems associated with on-reserve drinking water will require continued strategic investments, but until an adequate regulatory framework is in place, government and First Nations investments and efforts, as well as access to safe, clean and reliable drinking water for residents of First Nations communities, will remain at risk. An appropriate regulatory regime is thus essential. This conclusion has been reached by all of the authoritative groups gathered to study the matter, including the Standing Senate Committee on Aboriginal Peoples.

Honourable senators, nearly five years have passed since this committee tabled its report "Safe Drinking Water for First Nations." The committee's research into the issue enabled members to pinpoint not only the many threats to water quality on First Nation reserves, but also the specific actions needed to address them.

Bill S-8 would establish a process to develop federal regulations on drinking water and wastewater on First Nation lands on a region-by-region basis. The proposed process would directly involve First Nation groups and respect treaty and Aboriginal rights as laid out in our Constitution and interpreted by the courts.

The Standing Senate Committee on Aboriginal Peoples reported the bill back to the Senate for third reading without amendment and with support from all members, but with a number of observations.

The committee noted that, while closing the legislative gap regarding enforceable drinking water standards on reserve was essential, this should be done in collaboration with First Nations

and with the understanding that investments will be required to close the capacity and infrastructure gap on reserve. The report states:

The Committee strongly urges the federal government to meaningfully consult with First Nations, and provide necessary resources to ensure First Nations' participation, in the development of regulations under the legislation.

Responding directly to these issues raised before committee, the Minister of Aboriginal Affairs and Northern Development sent a letter to the chair of the Standing Senate Committee on Aboriginal Peoples, similar to one he had already sent to all the First Nations that would be involved in the development of regulations under Bill S-8.

• (1900)

The minister's letter clearly sets out this government's intentions for Bill S-8. The development of regulations would be a cooperative exercise undertaken alongside First Nations. It would be yet another step in the collaboration that has characterized the joint plan of action for drinking water in First Nations communities, a plan that continues to inspire progress.

Second, with respect to Aboriginal and treaty rights, the committee notes the inclusion of a non-derogation clause in Bill S-8 that addresses the relationship between the legislation and Aboriginal and treaty rights as defined under section 35 of the Constitution Act, 1982. However, the committee expressed concerns that this clause still allows for the abrogation or derogation of Aboriginal and treaty rights in some circumstances, specifically to the extent necessary to ensure the safety of drinking water on First Nation lands.

The committee stated that such a clause should only be invoked rarely and should not extend beyond what is legally justifiable in any given circumstance. The government agrees with this note of caution.

As a result of the democratic process, Bill S-8 contains significant improvements from its previous version, Bill S-11. Bill S-8, the bill before us today, is the product of a series of negotiations with First Nations that were pragmatic, tangible and respectful. If passed, the same level of cooperation will be the key to the development of regulations. The Standing Senate Committee on Aboriginal Peoples endorsed the proposed legislation; now it is up to us to propel the initiative forward.

While many witnesses raised concerns before the Standing Senate Committee on Aboriginal Peoples, others spoke eloquently of their support for this important legislation. I would like to bring to the attention of honourable senators the statement of one of these witnesses, Chief Charles Weaselhead, Chief of the Blood First Nation in Alberta and Grand Chief of the Treaty 7 First Nations Chiefs Association. Grand Chief Weaselhead participated in some of the so-called "without prejudice discussions" that took place to bring changes to the former Bill S-11 and make it the bill that we have before us today. Grand Chief Weaselhead said the following during his appearance before the committee:

As a matter of national priority, this enabling legislation is a result of a collaborative approach consistent with the true spirit and intent of our treaty and our inherent rights.

[Senator Patterson]

Further on, he continues:

Indeed, the success of the collaborative approach on this legislation, which raised many difficult issues, should be a clear message that federal and provincial governments should abandon its empty lip service about working with First Nations and actually come to the table to work with us to find solutions to safe drinking water and waste water infrastructure, among other key issues.

Honourable senators, the Grand Chief's statement suggests that Bill S-8 must be seen as a signal of this government's determination to establish a new, more respectful relationship with First Nations. I could not agree more. In fact, the Crown and First Nations gathering held earlier this year represents yet another milestone whereby First Nations and the government committed themselves to working together to support strong, healthy First Nations communities. The safe drinking water for First Nations bill is key to making this a reality.

Honourable senators, Bill S-8 would resolve a complex problem that continues to jeopardize the health of thousands of Canadians. The problem has been well studied, and appropriate solutions have been clearly identified and are on their way to being fully addressed. A necessary component of any legislation, an enforceable regulatory regime, is still missing. Today, we have an opportunity to endorse a bill that would allow us to fill this crucial gap. I encourage honourable senators to join me in adopting Bill S-8 at third reading.

(On motion of Senator Tardif, debate adjourned.)

APPROPRIATION BILL NO. 2, 2012-13

SECOND READING

Hon. Larry W. Smith moved second reading of Bill C-40, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013.

He said: Honourable senators, the bill before you today, Appropriation Bill No. 2, 2012-13 provides for the release of the remainder of supply for the 2012-13 Main Estimates. The 2012-13 Main Estimates were tabled in the Senate on February 28, 2012.

[Translation]

The government presents estimates to Parliament in support of its request for authority to spend public funds. They include information on both budgetary and non-budgetary spending authorities.

Parliament then considers the appropriation bills to authorize the spending.

[English]

The Main Estimates also provide information to Parliament about adjustments to projected statutory spending that had been previously authorized by Parliament. The 2012-13 Main

Estimates include \$251.9 billion in budgetary expenditures and net receipts of \$1.9 billion in non-budgetary expenditures. These estimates were discussed in some detail with the Treasury Board Secretariat officials at their appearance before the Standing Senate Committee on National Finance on March 7, 2012.

This year's budgetary expenditures of \$251.9 billion include the cost of servicing the public debt; operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

These Main Estimates support the government's request for Parliament's authority for \$91.9 billion in budgetary spending under program authorities that require Parliament's annual approval for spending limits.

The remaining \$160 billion represents statutory spending previously approved by Parliament and is provided for information purposes only.

Non-budgetary expenditures refer to those expenditures that have an impact on the composition of the government's financial assets such as loans, investments and advances.

Net receipts related to loans, investments and advances are expected to be \$1.9 billion in 2012-13, an increase of \$1.3 billion from the \$0.6 billion presented in the 2011-12 Main Estimates. The voted amounts to be included in the appropriation bill remains virtually the same at \$0.1 billion. The net amount of receipts from loans, investments and advances issued under separate legislation is expected to increase by \$1.3 billion to \$2 billion.

The total of voted or appropriated items in the 2012-13 Main Estimates is \$92 billion. Of this amount, Appropriations Bill No. 1, 2012-13, sought authority to spend \$26.6 billion. The balance of \$65.4 billion is now being sought through appropriation Bill No. 2, 2012-13.

Should honourable senators require additional information, I would be pleased to try to provide any information with the assistance of our chair, Senator Day.

Hon. Joseph A. Day: Thank you, honourable senators.

Let me first congratulate Honourable Senator Smith (*Saurel*) for his first presentation of what will be, we hope, many bills of appropriation along the way.

• (1910)

I will resist the temptation of getting into the estimates at this stage because honourable senators will see on the Order Paper that there is a report from our committee with respect to them. At this time, I will restrict my comments to Bill C-40, which is the second appropriation bill for this fiscal year, as has been indicated.

It is important for us to keep in mind that there is an estimate document that goes along with this, and that document will be discussed later. Honourable senators have all received a copy of

the estimates, and the Finance Committee has spent considerable time studying the Main Estimates for this year.

Honourable senators, this is a somewhat different type of situation to which we are normally accustomed. When we deal with bills normally, we would have second reading, which we are having; following that, after this chamber has concluded its discussion with respect to second reading, the Speaker would ask when the bill shall be read the third time, and we would direct a typical bill for study to a particular committee. That is not what we do with respect to finance appropriation bills.

In this particular instance the members of the Finance Committee have already been requested to study the Main Estimates, which we have done. The report is on honourable senators' desks, and we will deal with that later on.

That, in effect, forms the study of this bill. It is similar to a pre-study. Therefore, once we have had an opportunity to report on the study we have done with respect to the Main Estimates, we will be in a position to understand what is in the Main Estimates and understand what is being requested by the government in its appropriation bill or supply bill, as it is sometimes referred, and we can proceed to third reading once that report has been considered.

Honourable senators, Senator Smith (*Saurel*) has already indicated that part of what is outlined in supply for this year, in main supply and main request, has already been voted on. I bring honourable senators back to the last week in March when there were a lot of things happening. We were finishing up one fiscal year and another one was coming. We had just received the budget, and then the Main Estimates were filed and put before honourable senators.

The basic and fundamental principle is that we do not have an opportunity to study all of that documentation meaningfully and do the job that is expected of us in that short period of time. Therefore, we have devised an interim supply mechanism that gives the government the opportunity to carry on government business from April 1 to June 30. That is interim supply. This chamber voted interim supply in the amount of \$27 billion.

We are now at the stage, having continued to study the Main Estimates in the Finance Committee, to proceed with the supply bill at second and third reading, and the amount that we will ultimately be called upon to vote on at this time is \$65 billion, which, with the \$27 billion we have already voted, will take us up to the \$92 billion of voted appropriations that the government is looking for in this particular fiscal year.

Honourable senators, basically those are the points that I wish to make with respect to this bill. I will be speaking later this evening with respect to our report on the Main Estimates, at which time we will refer to this particular bill.

The only other point I want to make is that we will be checking the attachments, the schedules. This bill is basically pro forma wording at the front end, other than the amount.

The attachment is what appears in the estimates. There are Schedules 1 and 2. Schedule 2 refers to those agencies of government that honourable senators are asking to authorize to have two years to spend the money that we are authorizing. All the other agencies and departments have one year to spend the money or it goes back to the Consolidated Revenue Fund.

Honourable senators may be interested to know which departments they are. They are Environment Canada, the Canada Revenue Agency, Public Safety and Emergency Preparedness and, in particular, the Canada Border Services Agency. Those are the departments that, by reason of the business cycle, are given two years in which to spend their appropriation.

These are the points, honourable senators, that I wish to make with respect to Bill C-40, but I am sure if anyone has any questions, my honourable colleague, the Deputy Chair, Senator Smith (*Saurel*), will be pleased to join with me in trying to answer those.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Smith (*Saurel*), bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

**IMMIGRATION AND REFUGEE PROTECTION ACT
BALANCED REFUGEE REFORM ACT
MARINE TRANSPORTATION SECURITY ACT
DEPARTMENT OF CITIZENSHIP
AND IMMIGRATION ACT**

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

[Senator Day]

APPROPRIATION BILL NO. 3, 2012-13

SECOND READING

Hon. Larry W. Smith moved second reading of Bill C-41, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013.

He said: Honourable senators, the bill before you today, Appropriation Act No. 3, 2012-13, provides for the release of supply for Supplementary Estimates (A) 2012-13 and now seeks Parliament's approval to spend \$2.1 billion in voted expenditures. These expenditures were provided for within the planned spending set out by the Minister of Finance in his March 2012 budget.

[Translation]

Supplementary Estimates (A) 2012-13 were tabled in the Senate on May 17, 2012, and were referred to the Standing Senate Committee on National Finance. These are the first supplementary estimates for the current fiscal year that ends on March 31, 2013.

• (1920)

[English]

Supplementary Estimates (A) 2012-13 reflect an increase of \$2.3 billion in budgetary spending consisting of \$2.1 billion in voted appropriations and \$0.2 billion in statutory spending. The \$2.1 billion in voted appropriations requires the approval of Parliament and includes major budgetary items such as \$850 million in pay list requirements for allocations to eligible departments and agencies for the payments of accumulated severance pay benefits, Treasury Board Secretariat. Second, \$242.9 million for projects to rehabilitate the parliamentary precinct buildings under Public Works and Government Services. Third, \$202.5 million for a Canada's fast start financing commitments under the Copenhagen Accord which supports climate change adaptation and mitigation in developing countries. That is under the Canadian International Development Agency, Environment Canada, Foreign Affairs and International Trade, and Parks Canada. Fourth, \$160 million to meet operational requirements and ongoing programs, such as ensuring isotope production; addressing legacy costs of the wind-down of the dedicated isotope facilities; and urgent health, safety, security and environmental priorities at Chalk River Laboratories under Atomic Energy of Canada Limited. Fifth, \$150 million for specific claims settlements, Indian Affairs and Northern Development. Sixth, \$73.2 million for the implementation of Port Hope area initiative under Natural Resources; \$68 million for incremental pension requirements, VIA Rail Canada Inc.; \$41 million for First Nations communities policing services, Royal Canadian Mounted Police.

[Translation]

The supplementary estimates also include an increase of \$200 million in budgetary statutory spending items that were previously authorized by Parliament. Adjustments to projected statutory spending are provided for information purposes only and are mainly attributable to the following forecast changes: \$110.8 million for the Agricultural Disaster Relief Program to

provide targeted financial assistance to help producers return their farms to operation and/or to contain the impacts after a natural disaster — Agriculture and Agri-food; \$52.5 million to accelerate repairs and maintenance at post-secondary institutions — Knowledge Infrastructure Program at Industry Canada.

[English]

Proposed Appropriation Act No. 3, 2012-13 seeks Parliament's approval to spend a total of \$2.1 billion in voted expenditures.

Honourable senators, should you require additional information, I would be pleased to try and provide it with the assistance of the honourable chair, Senator Day.

Hon. Joseph A. Day: Honourable senators, I would like to thank and congratulate the Honourable Senator Smith (*Saurel*) for his overview of Bill C-41. Honourable senators have the bill which deals with yet another change from the normal process that we have in this chamber.

Normally, we would not have supplementary estimates coming along. One would think that we should, like a budget, be able to estimate how much money it will take to meet the commitments in the budget, but as I will point out later, there are typically three supplementary estimates that follow the Main Estimates. A short while ago we talked about the Main Estimates which are broken down into an early amount of money, interim financing for the government, and then main supply. We are now into additional amounts that the government is saying it needs.

One of those elements is Supplementary Estimates (A). That typically comes out in this time period, and then there will be a Supplementary Estimates (B) which we should see probably in October, and a Supplementary Estimates (C) in the new year just to close out the fiscal year and ensure that everything is paid for in that particular fiscal year.

We are now at the supply bill stage that goes along with Supplementary Estimates (A). We have been studying in the Standing Senate Committee on National Finance the supplementary estimates pursuant to the order of reference by the Leader of the Government in the Senate, and we will be reporting on that soon. We finished our study on the Supplementary Estimates (A), and that report is in the process of being translated. Once it is, honourable senators, and approved by the committee, it will be reported back here and will form the basis for third reading of this supply bill, Bill C-41.

In the meantime, honourable senators, I confirm that, as Senator Smith has indicated, at third reading we will be asked to vote the government in supplementary estimates \$2.1 billion for the coming year, and hopefully, before that time honourable senators will have had an opportunity to understand what is in that \$2.1 billion through the National Finance Committee report that will be forthcoming in the next day or so.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Smith (*Saurel*), seconded by the Honourable Senator Nolin, that Bill C-41, An Act for granting to Her Majesty certain sums of money for the Federal Public Administration for the financial year ending March 31, 2013, be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill read second time, on division.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Smith (*Saurel*) bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

SAFE FOOD FOR CANADIANS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald Neil Plett moved second reading of Bill S-11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed.

He said: Honourable senators, I rise today to speak to this Safe Food for Canadians Bill. In the words of our good friend Senator Baker, I have just a few words to say on this.

It is difficult to think of a subject more important than food, one of the basic necessities of life itself. By extension, there are no priorities more essential for our government than protecting the safety of its citizens' food.

The World Health Organization estimates that, taken together, food-borne and water-borne diseases kill approximately 2.2 million people every year; 1.9 million of whom are children. In Canada, an estimated 13 million Canadians suffer from a food-borne illness every year. The most common symptoms include stomach cramps, nausea, vomiting, diarrhea and fever. Food poisoning is not simply an inconvenience in our country; it can be fatal. Only four years ago, 23 Canadians tragically died from an outbreak of listeriosis.

In the wake of this tragedy, our government and industry have both made significant investments in food safety, over \$50 million in the latest budget, but we must never let down our guard. That is why our government's new legislation is so important. One of its key goals is to improve oversight of food safety so that we can better protect Canadians.

Before looking at the proposed legislation, it is worth stating how our food safety system is currently being managed.

• (1930)

Health Canada works with governments, industry and consumers to establish policies, regulations and standards related to the safety and nutritional quality of all food sold in Canada. Once Health Canada sets these policies and standards, it is up to the Canadian Food Inspection Agency to enforce them. The agency's activities related to enforcing food safety are in turn assessed by Health Canada. The two work together when the agency detects a food safety concern. Health Canada assesses the level of risk so that the agency can take the appropriate enforcement actions.

This relationship will remain unchanged under the proposed legislation. In other words, the Minister of Health will remain responsible for developing food safety regulations, policies and standards. The Minister of Agriculture and Agri-food, through the CFIA, will retain the authority to enforce and administer laws and regulations pertaining to food commodities.

The federal government plays a central role in promoting food safety in Canada, yet it is understood that consumers themselves must take charge of their own health. In a national study conducted by the CFIA, for example, most adults recognized that food-borne illnesses can be very serious. Moreover, they indicated it was very important to follow safe food handling procedures.

Subsequent research, however, is troubling. The Canadian Partnership for Consumer Food Safety Education found that while most adults know safe food handling practices, a sizable number do not actually use them consistently. That is why this partnership, supported by our government, is working hard with industry, suppliers and leading retailers to bring renewed attention to the core food safety practices of "Clean, Separate, Cook and Chill."

Food safety is a partnership. Consumers, industry and government must all do their part. Primary responsibility for the production of safe food resides with industry. While our government recognizes that Canada has a world-class food system, we know continuous improvement is an underpinning of our food safety system.

That is why we have introduced the safe food for Canadians bill. The provisions in the bill will allow us to protect consumers in those rare instances when industry does not live up to its food safety job obligations and to help inspectors do their job more effectively. In effect, they would shore up the foundation of partnership that is so critical to food safety in this country.

The fact that our government is introducing this important legislation illustrates our commitment to the health and safety of Canadians. I encourage the members opposite to vote for this legislation, which is for the health and safety of Canadians. Before looking at the benefits of our proposed legislation and why it is so vital to act now to enhance our food safety systems, I would like to clear up any concerns and misconceptions about the impact of the federal budget on the Canadian Food Inspection Agency.

First, allow me to provide some context. The previous four federal budgets invested significantly in our food safety system. Indeed, between 2006 and 2011, our government has enabled the agency to hire over 700 new inspectors. Budget 2011 provided

\$100 million for the agency to build science capacity and enhance training and tools to modernize the inspection system. *Canada's Economic Action Plan 2012*, which I would like to note that senators opposite voted against, builds on these investments, providing \$51 million over two years for key food safety activities.

Protecting the health and safety of Canadians remains our government's top priority, and we would never make any changes that put this commitment at risk. Following our most recent federal budget, the CFIA will adjust some programs that are not related to food safety. The changes will allow the agency to focus its resources where they are needed most. Unlike the opposition parties, we think it is possible to save taxpayers' money by finding efficiencies in the CFIA without compromising food safety. In fact, this is exactly what our government did in Budget 2012.

The agency's labelling programs, which are aimed to aid industry in achieving compliance, are a case in point. Removing the requirement to pre-approve labels on meat products and introducing a new online self-assessment tool for labels will not affect the safety of our food. It will, however, allow the agency to concentrate on its more vital roles of verification and inspection. What is more, the changes will allow industry to get their products into the marketplace faster. Our government is saving money while improving food safety.

The CFIA will continue to verify and enforce all food safety and consumer protection labelling requirements, including those related to ingredients, allergens, nutrition, compositional standards and mandatory labelling. Canadians need not worry; the agency will continue to police food labels to keep Canadians safe and to continue to conduct allergen, nutrition and related verifications in the marketplace. If consumers bring a complaint or concern to the agency, it will be investigated fully.

When Budget 2012 passes — and I may add that all opposition parties are doing their utmost, as we speak, to stall and circumvent the will of the Canadian public in the other place — the CFIA will achieve nearly half of its savings from more efficient administration. It will continue to deliver its vital services to Canadians and do so with less corporate overhead. This is good news for both the taxpayer and food safety in Canada.

The ability of the agency to work smarter is made possible in part by the emergence of new technologies, but technology is a double-edged sword since the agency has to also understand and respond to the implications of new food manufacturing processes. The application of genomics, nanotechnology and proteonomics provide new platforms for innovation but can challenge the government in its role as regulator.

This requires ongoing attention to our inspection and verification practices. Even the most diligent inspector needs the right tools for the job, and our food safety control systems need to be repositioned to deal with some of the newer emerging technologies.

Consider that Canada's food safety system is based on several statutes that have been revised at various times over the last few decades, including the Canada Agricultural Products Act, food provisions of the Consumer Packaging and Labelling Act, the Fish Inspection Act and the Meat Inspection Act. These laws

have served us well, but some parts are now outdated. We need to put into place modern best practices in food safety control for all food commodities, most importantly for the sake of consumer health and safety, but also to help reduce costs for industry. Food safety is one of our government's top priorities, and this legislation enables that.

For all its multifaceted implications, technology is just one of many factors changing Canada's food safety landscape that warrants serious reflection. Allow me to briefly highlight others.

Over the past 15 years, as a result of globalization and trade liberalization, Canadians are buying food from more countries than ever before. According to Agriculture and Agri-food Canada, we currently import about \$28 billion worth of food every year. Whether they have lived here for generations or have only recently immigrated, many Canadian consumers want more variety and convenience in their food, including more processed food. They also want food that reflects their needs and desires. At the same time, they want to be confident that these food products are of high quality and are safe to consume.

Of course, the flip side of globalization is greater access for the Canadian food industry to foreign markets. To help food exporters take full advantage of their opportunities, we need a legislative framework adapted to the realities of food production in the 21st century.

• (1940)

Apart from these socio-economic considerations, Canada, like many industrialized countries, also has an aging population. We all know that, as they get older, the baby boom generation will put additional strain on the health care system. What is less obvious, however, is the link between health care and food safety. Simply put, honourable senators, older Canadians are more susceptible to food-borne illnesses. This is something that most of us, the geriatric crowd in this chamber, should take seriously, and this is one good reason for this bill being introduced in the Senate as opposed to the other place.

An Hon. Senator: Speak for yourself.

Senator Plett: Of course, Senator Martin is not one of those, but many of the rest of us are.

Thus, in the coming years, it will be more important than ever for Canada to have strong food safety laws and regulations. Not only can food safeguards support the well-being of seniors, they can also ease the burden on our health care system.

For all these reasons, our government has long recognized the need to modernize and strengthen food legislation in Canada. In 2007, Prime Minister Stephen Harper introduced the Food and Consumer Safety Action Plan, which contained a pledge to modernize food safety legislation.

In 2009, an independent investigator in the listeriosis outbreak recommended the government "modernize and simplify federal legislation and regulations that significantly affect food safety."

Senator Mercer, it is nice to see you again, my friend.

Our government agreed with this key recommendation and reaffirmed its commitment to update legislation in the 2010 Speech from the Throne. I am proud that we are fulfilling this pledge through the tabling of Bill S-11. With the introduction of this legislation, our government has now fulfilled all 57 recommendations of the Weatherill report — all 57, Senator Mercer.

The safe food for Canadians bill will consolidate the inspection, enforcement, labelling and other authorities of the multiple food statutes into one single piece of legislation. In so doing, it will improve food safety oversight to better protect Canadian families, enhance international market opportunities for the Canadian food industry, and help food inspectors do their jobs more effectively and efficiently. It will also clarify what is expected from food producers, which should help with rates of compliance.

Let me highlight some key provisions in greater detail and demonstrate how they would affect consumers, industry and government food inspectors.

I turn now to protection from food tampering, deceptive practices and hoaxes. Honourable senators, when customers reach for a food product on their grocery shelves, they expect it to meet high standards of health and safety. That is why, when someone tampers with a product, it creates serious risks for consumers.

Such despicable acts can put the safety of all food products into question. Indeed, even the mere suggestion that a product has been tampered with is enough to sow fear in the hearts of consumers.

Despite these rather obvious facts, Canada has no current laws against tampering with food, threatening to tamper with food or falsely claiming to have tampered with food. It is no surprise, then, that industry has been calling for government to address this glaring gap in our laws.

I am pleased to say that the new food safety legislation will allow the CFIA to pursue people who knowingly put hazardous foreign objects into food. Likewise, it will give us tools to prosecute those who perpetrate hoaxes to generate fear among the public. All of this will build additional safety into the food chain that moves from producer or importer to consumer.

Apart from protecting consumers, these provisions will also benefit industry by reducing risk to their operations from malicious acts.

A threat, or a perceived threat, to a food product can inflict enormous costs on food producers. There is the initial cost of an investigation into the source and extent of the problem, which may include a recall. There is the opportunity cost of diverting company resources to deal with the problem — that is money that could have been used for investment instead of responding to the issue, not to mention reduction of sales during the crisis. There is also the cost to a firm's reputation, including the need to recover lost market share and rebuild consumer trust in a brand.

This new act will help protect producers from all the risks associated with food tampering, deceptive practices and hoaxes, and it will impose stiff new penalties and fines to deter both wilful and reckless threats to public health and safety.

It is fair to say the majority of food producers and processors in Canada take pride in their work. They follow the rules and regulations because it makes good business sense to do so. When they fall short, it is usually due to a mistake.

Often they are the first ones to notify authorities. In so doing, they not only obey the law of the land, they also obey the law of the marketplace. They know that trust in a food product can easily be lost and hard to win back. They also know that a company that takes responsibility for its actions usually earns the respect of consumers, and a company that does not digs itself deeper into a hole.

All that said, we have to acknowledge that there may be some rotten apples. It is not beyond the realm of possibility that the odd person can be less than scrupulous. There may be a willingness to cut corners for extra profit, even if it puts their customers at potential risk. Some may go further still, engaging in deliberate attempts to break the law. I suspect these cases arise partly because some people believe they can break the law undetected or with few negative consequences.

Consequently, the bill will introduce a series of tough new measures. It will become an offence to use inspection marks and grade names unless in accordance with regulations. Additionally, providing an inspector or the minister with false information will also be an offence; likewise, so will obstructing an inspector or falsifying documents.

I do not expect that the CFIA would have cause to draw on these enforcement tools very often, but when such isolated incidents occur, the agency needs the tools to be able to act quickly. The very presence of the new law may act as a deterrent. Our Conservative government will give the agency the tools it needs.

It is one thing to become aware of risky food products and quite another to get them off our shelves in the most efficient way possible. Even after a food product has been recalled, there is currently no legislative authority to prevent anyone from trying to resell the product to consumers. This simply does not make sense. For this reason, the safe food for Canadians bill will prohibit selling products that have been recalled or that might otherwise put the health of Canadians at risk.

Even with tough laws, the complexities of the global supply chain mean that government needs better tools to trace food. The technology to trace food products can effectively be bought quite literally off the shelf. With the approval of the proposed legislation, the CFIA will not only have strengthened its authority to create regulations to trace food, it will also have power to take appropriate action in the interests of consumers through strengthened recall powers.

These measures will go a long way in keeping risky food products out the marketplace.

As I noted earlier, thanks to our globalized marketplace, Canadian consumers have access to a veritable smorgasbord of food choices. In specialized stores, and increasingly in neighbourhood grocery chains, all manner of food products are

available from around the world. Variety may be the spice of life, but with such a vast potential of international food products at our fingertips, it is increasingly important for consumers to know that imported foods are safe.

Protecting Canadian consumers from the risks of imported food products is no simple task. While all imported foods must meet Canadian food standards, we have little information about foreign manufacturers in some countries and how they go about their business.

• (1950)

As it stands now, honourable senators, we can only prohibit the sale of imported products that pose a risk once they are in Canada; there are no existing provisions to prevent these unsafe products from entering our country in the first place. What is more, when an importer is breaking the law, our enforcement measures are not as stringent as they could be.

This new act will strengthen import safety. On the one hand, it will allow us to prohibit imports of certain foods when risk is detected and stop unsafe imports at the border before they enter Canada. On the other, it will allow the CFIA to license importers. That means that if an importer breaks the law, our response time in locating the importer and removing unsafe food from the market will be that much faster. We may then revoke licences rather than merely prosecute for non-compliance. This will allow us to hold importers to greater account for the safety of their products. Not only will this protect the health of Canadians; it will also instill confidence in the food they eat, wherever it comes from.

I know that honourable senators on both sides of the chamber want to protect consumers from the risks associated with imported food. We also need to continue proving to other countries that Canadian food is safe.

In recent years, as part of a global trend towards greater food safety, many countries, including Canada, have been demanding that food imports be certified. It is a policy that more and more of our trading partners will likely embrace in the future. Rather than being a burden on business, certification may well open doors to foreign markets.

Currently, the CFIA only has authority to certify some federally registered foods for export. We need to expand that authority to the non-registered food sector so that Canadian exporters can leverage export certification and go after foreign markets where they currently do not conduct business.

This new act will address these concerns by providing authority to certify all food exports to domestic standards. In practice, this will allow the CFIA to treat exported foods consistently across all food commodities and verify their safety. This will increase confidence in our trading partners in the safety and quality of Canadian food and, in turn, help Canadian food producers expand their presence in international markets. This is good news for our food exporters.

Honourable senators, I have spoken about how our current food safety system draws on different statutes. It is not surprising that this combination of authorities has also led to some

inconsistencies in regulation. When faced with a food product that has been illegally imported, for example, a meat inspector can order the removal of the product, but a fish inspector currently lacks such powers.

While the overall system works, these inconsistencies are inefficient, costly to the Canadian taxpayer, and difficult to administer. After all, some inspectors cover multiple commodities and some companies produce food in more than one commodity as well, so it would serve both government and industry well if we would streamline the statutes into a single law. That is exactly what this proposed legislation will achieve by creating a single standard of powers and authorities that will subject all foods to the same stringent requirements.

Not only will a streamlined system help the current generation of inspectors do their jobs more efficiently, it will also help to simply training for future inspectors down the road. It will allow the agency to benefit from economies of scale, enhancing overall efficiency and effectiveness. Most importantly, it will allow inspectors to deal with all commodities that have similar risks in the same fashion. It only makes sense that all food inspectors should be able to inspect all types of food.

Canada must not stop at aligning inspection and enforcement powers within our own statutes. We must also look to align our laws with those of our closest neighbours and major trading partners, not simply to protect consumers against food-borne illness, but also to promote greater opportunities for industry and grow our export markets.

As we all know, Canada and the U.S. enjoy a long-standing trading relationship that is worth hundreds of billions of dollars a year. In 2010, agricultural products alone generated \$33 billion in total bilateral trade.

However, we cannot take future success for granted. We must take steps to assure long-term prosperity for our exporters.

Given the highly integrated nature of the North American market, many industries rely on complex cross-border supply chains. Unreasonable delays at the border can throw a wrench into supply chains and drag down both our economies. That is why our Conservative government is always looking for ways to keep goods and services flowing across the Canada-U.S. border efficiently, while at the same time protecting health, safety and the environment.

Prime Minister Harper and President Obama recently launched a new initiative to strengthen our bilateral trading relationship. The goal is to enhance security and resiliency, facilitate the flow of goods and people across the border, and ultimately to create jobs and generate economic growth in both countries.

With this in mind, our governments are looking for ways to reduce costs for companies engaged in legitimate business. Through the newly created Canada-U.S. Regulatory Cooperation Council, we want to introduce common approaches and procedures that will cut red tape at the border whenever possible. By working together, our governments can achieve the best of both worlds: we can keep trade flowing across the border and still protect health, safety and the environment.

Trade in food products is obviously a very important component of our bilateral trade with the U.S., so we must keep a close eye on the developments in the United States and keep pace.

In 2011, President Obama signed the new Food Safety Modernization Act that gives the U.S. Food and Drug Administration increased authority to prevent food-borne illnesses. The U.S. included provisions to recognize the food systems of other countries. That means if we act now to enhance our own food safety system, we can seek such recognition and strengthen the already close relationship between the CFIA and the U.S. FDA.

The proposed safe food for Canadians act will be an important step in aligning our food safety system with our most important trading partner. It will also give us the flexibility to respond quickly to any international trade requirements from our bilateral partners or at the multilateral level. In so doing, we will position Canadian food exporters to take advantage of new opportunities and expand their market share.

I have addressed how key elements of this legislation will assist us in improving oversight in our food safety system, streamline and strengthen legislative authorities, and enhance international market opportunities for Canadian industry. I would like to address one more important component of this bill: how the proposed legislation would simplify the process for reviewing inspectors' decisions.

In an ideal world, food safety laws and regulations would be followed to the letter. If inspectors turned up the odd problem, then those responsible would accept the verdict. Problems would be fixed and everyone would be satisfied. The real world, unfortunately, is not so neat and tidy. Our inspectors do find problems and are sometimes compelled to order the seizure, detention or disposal of a product. Needless to say, their decisions may not always sit well with the parties involved.

Regulated parties do have the right to redress. Currently, the only formal way to resolve complaints against inspectors is through a judicial process. This is a sore point with industry, since the process can be both costly and lengthy.

This legislation will create a simpler alternative — a review mechanism akin to those already available at the Canada Revenue Agency and the Canadian Border Services Agency, as well as through the Canada Consumer Product Safety Act. This mechanism will apply to all products under the legislative authority of the CFIA.

Essentially, regulated parties could appeal an inspector's decision related to a product seizure, detention or disposal. This process will be faster than judicial proceedings, especially since the reviewing officer will be required to reach a decision in a timely manner that takes into account the nature and shelf life of the product in question. The reviewing officer could uphold, amend, terminate or reverse the original decision.

• (2000)

It is important to note that the process will be impartial. The inspector who made the first decision will not be involved in the review. Moreover, if the regulated parties are unhappy with the outcome of the review, they could still pursue a formal hearing with the Federal Court.

The proposed new mechanism is a sensible approach that could save business time and money and also ease congestion in our judicial system.

Our government has long signalled its intention to modernize our food safety system and has consulted with provincial and territorial governments, as well as other stakeholders, to prepare this legislation. I would reiterate that the proposed act fulfills our government's promise to act on all the recommendations in the 2009 Weatherill report, as well as commitments made in the 2010 Speech from the Throne.

With specific reference to stakeholders outside of government, several mechanisms are already in place to engage with industry, including the Agri-Subcommittee on Food Safety and various Value Chain Roundtables.

The CFIA is also supported by a Consumer Association Roundtable, an expert advisory committee, the Federal/Provincial/Territorial Food Safety Committee and the Ministerial Advisory Board. The agency has used and will continue to use these forums to discuss safety issues.

There will also be an opportunity for consumers, industry groups and other stakeholders to express their values while this legislation is at committee.

In conclusion, honourable senators, we are fortunate to live in a country with a strong food safety system. However, we must recognize that even the best system needs to keep up with the times. The time has come in Canada for a modernized system.

This proposed legislation will strengthen and modernize our food safety system, streamlining four statutes into a single safe food for Canadians act. It will improve food safety oversight, allowing us to better protect Canadians. It will introduce measures such as the alignment of inspection and enforcement powers that will simplify the work of food inspectors and enhance the international market opportunities for Canadian industries.

These changes will give Canadians the kind of food safety system they need and deserve — one that can meet the challenges of the 21st century.

I would urge all honourable senators to join me in supporting the safe food for Canadians act.

Some Hon. Senators: Hear, hear!

Hon. Jane Cordy: Does the honourable senator mind taking a question?

Senator Plett: No, no problem.

Senator Cordy: I thank the honourable senator very much because we are all very concerned about the health and safety of Canadians, and food safety is something that all Canadians deserve.

[Senator Plett]

Certainly this bill will give food and drug inspectors greater powers, but I am wondering how many food inspectors will be losing their jobs as a result of the budget.

Senator Tardif: Good question.

Senator Plett: Well, honourable senators, I am speaking to the safe food for Canadians act and not the budget. This particular act has no impact on the budget as this is not a money bill.

Senator Moore: You spoke to the budget.

Senator Cordy: If we are to have fewer inspectors as a result of the budget — and it will impact the inspectors who will be losing their jobs — how can we be guaranteed that we will have safer food?

Senator Plett: As I have stated, honourable senators, this streamlines the entire process whereby, for example, an inspector who is now inspecting fish only will be able to inspect meat as well. We will not need to add any inspectors. This bill is not reducing the number of inspectors. Again, I am not speaking to the budget here tonight.

Senator Cordy: Inspectors from the Department of Fisheries will be inspecting meat. Is that what the honourable senator is suggesting?

Senator Plett: All inspectors will be trained to inspect all types of meat.

The Hon. the Speaker: Is there further debate, questions or comments?

Hon. Pierrette Ringuette: Honourable senators, how will this impact the importation of foods to Canada? How will this bill impact the inspection and labelling of food imports?

Senator Plett: Well, in all fairness, honourable senators, if Senator Ringuette would like, I could reread my speech, but I think I was clear in the speech as to how it will impact it.

Senator D. Smith: No, no.

(On motion of Senator Tardif, debate adjourned.)

THE ESTIMATES, 2012-13

MAIN ESTIMATES—TENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report (second interim) of the Standing Senate Committee on National Finance, (2012-2013 Main Estimates), tabled in the Senate on June 6, 2012.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, I would like to say a few words to explain the tenth report of the Standing Senate Committee on National Finance.

Honourable senators will recall that earlier, when we were talking about Bill C-40, one of the supply bills, I indicated that we did a study of the Main Estimates in the Finance Committee and the result of that study is the report that is now before us. That avoids the necessity of referring Bill C-40 to committee, because we have already pre-studied the background to the bill.

It is important for honourable senators to have a bit of an understanding of what is in the report, so I will give some highlights. I would encourage honourable senators to look at the report before being called upon to vote at third reading of Bill C-40. The same procedure will be followed with respect to Supplementary Estimates (A), and that report will be forthcoming fairly soon.

Honourable senators, with respect to Supplementary Estimates (A), to refresh memories in case some honourable senators have forgotten the figures in the discussion about Bill C-40, \$65 billion in main supply is being asked for at this time. That goes along with the interim supply of \$27 billion that you have already voted, making a total of voted appropriations of \$92 billion.

If honourable senators have looked at the schedule that appears in the Main Estimates, or in our report, they will see that in addition to voted appropriations, there are statutory appropriations. Statutory appropriations result from a bill that we have already passed in this chamber authorizing certain amounts to be released by Treasury Board for the functioning of that particular bill. That is in the form of a statute. The bills that do not have that provision must come from this process that we are involved in.

• (2010)

At the stage of Main Estimates, the difference on an annual basis between statutory and voted appropriations through the appropriation process is \$160 billion versus \$92 billion. My honourable friends can see the relationship.

We are at the voted appropriation stage with these Main Estimates. I encourage honourable senators to take a look at the report. The steering committee randomly selected a number of departments, including the Public Service Commission, the Treasury Board Secretariat, the Department of Fisheries and Oceans, Agriculture and Agri-Food Canada, the Department of Justice Canada, Environment Canada, the Parks Canada Agency, the Canadian Environmental Assessment Agency, and the Department of Foreign Affairs and International Trade Canada. These were some of the departments we looked at that we thought were important for us on honourable senators' behalf to review. Over a period of years, we will look at most of the departments, but we cannot look at them all each year.

However, I do point out that we are, according to the order of this chamber, seized with the Main Estimates throughout the year, and we will continue to study different aspects of them because there will be other opportunities to investigate points that may come up either in this chamber or in our committee.

Honourable senators, I believe the most important aspect of this particular report is when we brought in the Public Service Commission and the Treasury Board Secretariat to talk to us about the approximately 19,200 positions that will be eliminated within the public service. As the overseers of the executive branch, we wanted an assurance from the government departments that

execute the orders and directions — of the Prime Minister and his cabinet that the public is being properly protected. We found, first, that there has been a negotiated agreement with respect to terminations and positions being declared surplus and that the Treasury Board and the Public Service Commission worked together to ensure the implementation of that agreement.

Some 12,000 positions per year become vacant by virtue of resignations. Over three years, that is 36,000 positions. The first question is, why give notices at all? It was clearly pointed out to us that those who are retiring, that particular position, if it was not filled, might be a position that is important from the point of view of public service. The match is not always perfect between a position that one wants to declare surplus and someone who is retiring. That is why rules have been developed to ensure that the merit principle that is so fundamental to our public service continues to be followed.

Witnesses went on to say that the Public Service Commission is the primary body for managing the priority administration system. There is an established priority administration system that honourable senators may be interested in. It is outlined here. There are three of them. It deals with, first, statutory priorities or employees who have been declared surplus in their own department. If something else comes up in their department, they are right there. Second is employees returning from leave without pay and, third, employees who are currently laid off. They are the three that statutorily have priority over any other hiring.

We also learned that there are regulatory priorities that take the second level of priorities. That includes employees who are declared surplus in another department. They are still within the public service. There are also employees whose spouse has been relocated. That is a priority. If one's spouse is relocated, they go with their spouse, and the person can have priority for hiring if there is any position available, as well as members of the Canadian Forces and the RCMP who have become disabled and discharged. Those priorities were of interest to us, and the Public Service Commission is the overseer of the hiring process.

Before any new hiring on a full-time basis can take place, the Public Service Commission will check and ensure that all of these priorities have been checked off and there is not someone standing who has priority, which made us feel somewhat better.

With respect to the 19,200 positions, three basic rules are to be followed. The individual who receives the letter saying "your position has been declared surplus" can remain in the priority system with the hope that something will come up. They can continue to work for one year drawing a salary, and they can continue to work for another year without drawing a salary if they wish to take the chance that something will come up during that time frame.

Alternatively, they can take advantage of the transition support with accompanying financial assistance of up to 12 months of salary, which would be paid immediately as they leave.

Finally, they could receive financial assistance plus an education allowance as well as career advice for planning for the future. Surplus employees can take up to \$11,000 in educational

allowances. That is available, and that is what has been negotiated between the public service unions and the various departments, the Treasury Board and Public Service Commission.

Honourable senators, a number of other points appear here. In each of these departments, it does not do us a lot of good to look at how much that department is spending less than last year at this time, for two reasons. The first is that the government told the departments that any budgetary matters should not be even in supplementary estimates and definitely not in the Main Estimates because they are already prepared prior to the budget coming out. Therefore, the Main Estimates do not reflect any budget initiatives.

Sometimes a budget initiative might be to reduce spending; other times it is to renew a program that has sunsetted. We will see that a department has spent \$20 million less on a program that many people might think was a good program, only to find out when you bring the department in that the announcement to reintroduce that program was made just recently.

The numbers that we see and the suggestion that certain departments are claiming less in appropriations this year because of certain programs not continuing is a bit misleading.

In almost every department a significant amount of money has been transferred to another department called Shared Services. Certain information technology is being managed by one department for all government agencies, so that government agency would not have that appropriation in its department any longer. Therefore, it looks like there is a savings. However, if honourable senators look at the overall budget of the government, you will see that Shared Services will be spending that money. Therefore, the overall figure is roughly the same as it was in previous years; it is just in a different place.

• (2020)

Honourable senators, it is important for us to keep Shared Services in mind because it is a new department with a tremendous amount of money and number of employees who are all over the public service. The ability to administer this will be somewhat of a challenge that we will want to keep an eye on because the employees will no longer be watched by the department they are working for. They will be working for Shared Services that may be located somewhere else, so there are some concerns that we will want to follow.

Some honourable senators asked about Bill C-18, which put an end to the Canadian Wheat Board monopoly. One of the comments made seemed surprising to some of us; that is, that the department indicated that the government has promised farmers that it will give the Canadian Wheat Board the resources it needs to continue offering options for producers in Western Canada. Those resources were paid for by the farmers in the past. There was an allocation for each bushel of wheat or barley that the farmer prepared to help run the Canadian Wheat Board. The monopoly is done away with, but there is an assurance from the government that the public purse will be dipped into and the public's money will be used to ensure that those same resources for marketing purposes that were there before will be there for the farmers.

There has to be something wrong with that announcement by the minister. It does not make any sense to do away with a program that was paying for itself and establish another program that will be a heavy burden on the public purse. That one will have to be reviewed further, but Canadian Wheat Board issues have not gone away as a result of those kinds of public pronouncements.

The Department of Justice charges \$290 million per year in legal services to other government departments. That was introduced a few years ago.

[Translation]

Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker): Honourable senators, Senator Day's time is up.

Senator Day: May I have five more minutes?

The Hon. the Acting Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[English]

Senator Day: I will not need five minutes. I want to finish up the report. I am trying to hit on some highlights that will excite honourable senators so that when they go home, they can take a look at this report after the hockey game is over and think of this evening.

An Hon. Senator: That is what we want to watch!

Senator Day: We talked to Environment Canada, and they told us they are reducing staff by over 200. That was a significant figure. In fact, most of the reductions that departments have talked about are reductions in employees. Most of the financial savings are reductions in employees at this stage. We will see over the next two years reductions in capital and reductions in other operating expenses, but the first tranche of reductions seems to be coming out in reducing the number of employees. That was repeated over and over again from what we saw in bringing these various departments before us.

There is \$9.4 million set aside to help commemorate the events of the War of 1812.

Senator Mitchell: Unbelievable.

Senator Day: We will want to keep an eye on that one so it does not get carried away. Sometimes these special commemorative events tend to do so.

I also point out, honourable senators, that there is an increase in annual financial support for a United Nations Convention on Biological Diversity. There will be a number of nations meeting in Montreal in that regard. We would not want that one to go the way of the G8 and the G20, so we will try to watch that more closely than the earlier one.

Finally, honourable senators, we discovered, which was bit of a surprise, that the passport office has no operating budget. Passport Canada must be self-sufficient and must run its agency

by virtue of the fees that it charges, which was an interesting revelation that may be a sign of future budget revenue gathering by various departments.

Senator Munson: That is not as high as getting a pardon done.

Senator Day: Honourable senators, those are some of the points found in this report, and I commend it for your reading.

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Moore — on debate, Senator Ringuette.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, I would be remiss if I did not mention some important information that came out at the hearings of the Standing Senate Committee on National Finance.

As you know, I take a special interest in human resources. Senator Day mentioned that 19,000 public servants had received letters notifying them that they could be laid off, even though the public service loses 12,000 employees annually through attrition.

I would like to draw your attention to one point. You will recall that, in recent years, there have been salary freezes in the public service, at the same time as a bonus system for senior managers. This system actually has two parts: a system of bonuses per se and a system known as at-risk pay. These two systems pay out millions of dollars each year. This year they paid out close to \$100 million.

It is important to note that in the past three years, salaries have been frozen in the public service in general, and Parliament as a whole, while the bonus and pay at risk systems have grown by millions of dollars.

When Ms. Meredith of the Treasury Board Secretariat, the department responsible for administering these bonuses for the public service, appeared before our committee, I asked her to give us a brief overview of the bonus and at-risk pay systems. This is what she said:

[English]

Certainly. A certain proportion of executive pay is called pay-at-risk, which means it is pay that is held back until the end of the year when they prove their performance and are assessed on the basis of performance.

[Translation]

Imagine my reaction when the responsible official in the Treasury Board Secretariat came before the committee and told us that, saying that executives have a portion of their salary held back, which they receive at the end of the year if they have performed well. Come on. The industrial relations system does not work like that.

So I told her:

[English]

Pay that has been held back. There is a schedule of pay and the performance pay, which is a combination of either the bonus or the pay-at-risk, and that is assessed at the end of year and it is in addition to their pay scale.

• (2030)

[Translation]

It is a bonus. It is not a salary; it is a “bonus”. Every bureaucrat has a pay scale, and I will not give you the pay scale for senior federal public servants. Then Ms. Meredith had no choice but to say:

[English]

Yes, you are right that they get their paycheque. In terms of the established pay, sort of entitlement. . . .

Therefore, the millions of dollars of taxpayers’ money is an entitlement.

[Translation]

It is part of their benefits — millions of dollars — while a pay freeze was imposed on the rest of the public service. That is the first aspect I wanted to emphasize.

Honourable senators, there is also the matter of a parallel public service operating in the Ottawa region in particular.

[English]

I am talking about staffers. They are not employees via the Public Service Employment Act. They are not employees hired based on merit, qualifications, et cetera; they are people who are being hired on contract through placement agencies.

In October 2010, the Public Service Commission of Canada tabled a report in relation to these staffers. This is the bulk of their study. They studied 11 public service organizations that collectively, in Ottawa, represented 50 per cent of all temporary staffing. The study found temporary help services that were improperly used to address long-term resourcing needs. Long-term resourcing needs must be addressed by all departments through the Public Service Commission of Canada when it comes to hiring.

When Ms. Meredith was in front of our committee, I asked her if they were going to take any actions in regard to all these staffers not hired through the Public Service Commission of Canada. There are three directives from Treasury Board, particularly, to all the departments in relation to staffing. That means hiring outside the Public Service Commission of Canada, through agencies. I asked her, “Because you are laying off over 19,000 people, what is the directive that you have given all the departments in regard to staffers that are not being hired through the Public Service Commission of Canada?” She replied to the committee that she would not give any directive to departments; that the departments would do whatever they wanted to do.

I asked her to please tell us which department these staffers were in and what tasks they are accomplishing. She did not know. They are the department responsible; they are the department that has the three directives. She did not know, at a time when over 19,000 public service employees that have been hired through the front door, based on merit, have been notified that their job may not be there.

I have here the Treasury Board directive in relation to staffers hired through agencies. It is the Treasury Board of Canada Secretariat Contracting Policy. It says:

The services provided by temporary help firms are traditionally used against vacancies during staffing action.

That means that the Public Service Commission of Canada has opened the job and the process is ongoing to hire a person to fill that job. One of the directives is that it is temporary until a permanent staffing has been completed.

The second condition states "when a public servant is absent for a short period." Can it not be as clear as that? The third directive states "or when there is a temporary workload increase for which insufficient staff is available."

I am sure that all honourable senators and all parliamentarians will agree that in these three cases, under these three directives, yes, a staffer can be hired. However, the Public Service Commission of Canada indicated that 50 per cent of the staffers were not hired under those conditions. This happens mostly and particularly in the Ottawa region. It does not seem to be a problem elsewhere in the country.

Honourable senators, I wanted to highlight this tonight because, come the fall, I will undertake certain actions in regard to this issue of staffers at a time where we are laying off I would think maybe 8,000 to 9,000 administrative assistant positions. That is 90 per cent of the staffers that are being hired through agencies in the National Capital Region.

That is not right. It is not right, just like my fight against hiring within 50 kilometres — the geographic barriers to hiring. That was not right. Fortunately, Ms. Barrados at the Public Service Commission of Canada took action and removed those geographic barriers so that Canadians from coast to coast to coast, if qualified, could apply for a public service job anywhere in Canada.

This issue of contract staffers is not right and, come the fall, I will bring forth measures to correct this.

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise tonight to speak on the second interim report of the 2012-13 Main Estimates. During our discussions, a lot of subjects came up and tonight I want to briefly talk about three of them.

• (2040)

First, we heard a lot about the current and future job cuts in the public service. In Atlantic Canada, it is estimated we have about 11 per cent of federal public servants. Certainly, recent evidence suggests that figure will shrink as a result of ongoing strategic reviews by federal departments.

In addition, the plan outlined in Budget 2012 to reduce the total number of federal public servants by 19,200 over three years brings little comfort to a region that has yet to recover from the most recent economic slowdown.

Honourable senators, the public service grew by 3 per cent from 2009 to 2011. That is according to Treasury Board figures. However, in Atlantic Canada, it did not grow. The public service shrank by 430 jobs and 119 of those were in my province. Given the fragile state of Canada's economic recovery, I do not think that the disproportionate reductions in both the number of public servants and the accompanying levels of service are the appropriate prescription for Atlantic Canada's economy.

This sentiment was echoed in a statement by Atlantic Canada premiers released last week. They expressed concern that the level of services available to Atlantic Canadians may be disproportionately impacted as a result of federal spending cuts and program restructuring. The premiers recommended that the federal government provide more information on the proposed reductions to services to Atlantic Canadians and their impact on the region. The premiers also noted in that release that the federal government should work to ensure that federal responsibilities are maintained through this process and not merely downloaded to the provinces.

One of those government services where both the federal and provincial governments play a role is legal aid services to Canadians. Funding for legal aid is divided into two separate streams. For criminal legal aid, the Department of Justice negotiates a formula in order to provide money to the provinces for this specific purpose. Meanwhile, civil legal aid funding is provided as part of the Canada Social Transfer. Therefore, it is up to the province to administer the level of funding provided for this service.

Honourable senators, I have spoken on numerous occasions regarding the strategic importance of providing civil legal aid services which assist those involved in the application of family law, such as child support and custody issues, as well as Canadians who need to pursue disability or income security benefits.

In June 2010, the Canadian Bar Association released a report on the state of legal aid in Canada and basically made three recommendations.

First, they recommended that legal aid should be recognized as an essential public service. Second, the report called for national standards for criminal and civil legal aid coverage and eligibility criteria. Finally, they urged the federal government to revitalize its commitment to legal aid through increased public funding. This will help to ensure access to justice for Canada's low-income population, which often includes women and children, people with disabilities, immigrants and Aboriginal people.

Given this study, as well as the impact the provision of legal aid has on Canada's most vulnerable, it was with a degree of disappointment that I found a projected decrease in the funding to criminal legal aid of \$14.4 million in these Main Estimates. In an era when a law-and-order agenda is the order of day and when the cost of correction services in Canada has risen 76 per cent

since 2006 to over \$3 billion annually, the notion that access to legal aid may be restricted due to budget cuts is frustrating to say the least.

To his credit, the Minister of Justice announced on April 30 that funding to the Legal Aid Program and the Aboriginal Justice Strategy will continue at the current level in 2012-13 and in 2013-14. However, this funding was not listed in the supplementary estimates released on May 17. With this in mind, I would encourage all honourable senators to hold the justice minister to the commitment, of maintaining funding to legal aid at the current level, at the very least.

I would also encourage honourable senators to promote a more concerted national effort for the provision of funding for civil legal aid, as well. For too long, Canadians have had to rely on a patchwork of local initiatives, such as custody dispute workshops by groups such as the Community Legal Information Association of Prince Edward Island in their efforts to access justice. In recent years there have been calls for separate, specially earmarked funding for civil legal aid. I urge the federal government to work with the provinces to create a national funding stream for this much needed service.

Finally, I want to mention a concern that I and many Prince Edward Islanders consider to be the lack of an essential service that should be provided by the federal government. That is the lack of a passport office in my province.

Honourable senators, when the officials from the Department of Foreign Affairs and International Trade appeared before us, they noted the department provides commercial, consular and passport services to Canadians at more than 300 points of service, including 160 missions and 105 countries abroad. However, in light of this, as well as repeated calls from various sources, Prince Edward Island remains the only province that does not have a passport office. As a result, it is quite possible that some Canadians may receive more efficient passport services in other countries than in my province.

There have been many anecdotal stories about Islanders having to travel to Fredericton, New Brunswick, or Halifax, Nova Scotia, in an attempt to get an emergency passport. I was involved in one of these situations and I can tell honourable senators from first-hand experience that the problem this causes is enormous.

The urgent service can be received within 24 hours, but only if the applicant requesting the service applies in person, after which it is determined whether an emergency passport may be issued. In other words, one has to go to Halifax or Fredericton and then apply. One does not even know if one is going to get one before that.

When I made an inquiry to the Minister of Foreign Affairs about passport services available to Canadians in the event of emergencies, he noted that, as a general rule, Passport Canada does not keep its offices open after regular working hours. However, Passport Canada can provide a callback service for an additional fee to clients who may have to travel in an emergency situation. This is offered on a case-by-case basis and at the discretion of the manager who can make the decision on the urgent circumstances presented by the applicant.

In order to be provided with this service, the applicant must complete their application for consideration and they have to present it. That means they have to leave their own province to present that application and then they find out whether or not they are going to be eligible.

Honourable senators, most Canadians travelling out of the country need a passport. In April 2008, the Prince Edward Island legislature unanimously passed a motion urging the Government of Canada to establish a devoted, publicly run passport office in Prince Edward Island. However, it is not only the residents of Prince Edward Island who are calling for a passport office. In June 2007, New England governors and Eastern Canadian premiers passed a resolution calling upon the federal government to take appropriate measures to improve and accelerate the passport-issuing process, to review the established terms and conditions of renewal, and to establish a passport office in each state and province.

• (2050)

It is unfair that Islanders have to travel outside their province and spend many hours at their own expense in an emergency situation. I continue to believe that the federal government has to do whatever is possible to facilitate emergency passport applications for the residents of Prince Edward Island. I encourage the federal government to implement solutions to alleviate this uneven access to emergency passport services as soon as possible.

In conclusion, the three points I have mentioned here this evening that I am concerned about are, first, that the public service cuts this government has and intends to make will disproportionately affect Atlantic Canadians and the level of service they receive from the Government of Canada.

Second, I am concerned about the uncertainty surrounding the funding levels for the provision of criminal legal aid in the Main Estimates, as well as legal aid in general. I believe it is time for the government to consider an increased investment in the government's legal aid system, as well as a separate, identifiable stream for the public funding of civil legal aid services to the provinces.

I am sure that the demand for legal aid services will continue to rise as more and more elements of this government's law-and-order agenda become the law of the land in Canada.

Third, as I mentioned a few moments ago, the need for emergency passport services for residents of Prince Edward Island is substantial and remains a question of access. It is unacceptable that Islanders have to go outside their province to get an emergency passport.

These are just three of the items that were brought up during our discussions on the second interim report on these estimates. I am hopeful that the government will consider these and that we will move forward on all three.

Thank you.

Hon. Robert W. Peterson: Honourable senators, I am a relatively new member of the Standing Senate Committee on National Finance, but as I see it one of the problems facing the committee's discussion of the Main Estimates is the apparent disconnect between when the departments have to prepare their estimates and when the budget is actually tabled later. This results in the situation where departmental witnesses had difficulty explaining exactly what was and was not included in the Main Estimates and indicated it would have to be covered later in the supplementary estimates.

I am not sure what can be done to correct this, but I would certainly recommend that it be looked into. As it stands at present, we will not really know what takes place until the books are closed next year, which will be a little too late for action and any remedial suggestions.

Thank you.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

CANADA—JORDAN ECONOMIC GROWTH AND PROSPERITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-23, An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

IMPORTATION OF INTOXICATING LIQUORS ACT

BILL TO AMEND—SECOND READING

Hon. Bob Runciman moved second reading of Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use).

He said: Honourable senators, I rise today to speak at second reading of Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act. I am pleased to support this bill, which ends the prohibition on interprovincial transport of wine for personal consumption, a prohibition dating back to 1928.

At the outset I would like to give credit to Dan Albas, the Member of Parliament for Okanagan-Coquihalla, and Scott Brison, the Member of Parliament for Kings—Hants, who are both sitting at the back of the chamber. I want to thank Mr. Albas for his sponsorship of the bill and Mr. Brison for seconding the bill in the other place. In fact, I would like to congratulate all members of the other place who gave it unanimous consent. Mr. Albas may be a rookie MP, but he has promoted this bill with diligence and skill. To make his feat even more commendable, he is a teetotaler.

More than a decade ago, as Ontario's Minister of Consumer and Commercial Relations with responsibility for the alcohol industry, I led a delegation to Europe to fight for access to the European Union for Ontario icewines. We fought hard, we won access and it led to tremendous growth in the industry. There is a certain irony, after working at the provincial level to expand international trade, that I am now working at the federal level to expand interprovincial trade in wine.

Bill C-311 is a short bill, with only one clause, and amends subsection 3(2) of the Importation of Intoxicating Liquors Act by adding one paragraph. This paragraph provides an exemption to the ban on interprovincial transport of intoxicating liquors to allow:

(h) the importation of wine from a province by an individual, if the individual brings the wine or causes it to be brought into another province, in quantities and as permitted by the laws of the latter province, for his or her personal consumption, and not for resale or other commercial use.

There may be honourable senators who are surprised that such a prohibition exists. I am sure many Canadians are not aware that bringing a bottle of wine across provincial boundaries puts them at risk of a jail term of up to three months on a first offence and up to a year for a third offence.

My understanding is that this prohibition is not often enforced — and there have been a few comments to that effect today — at least in situations where a tourist picks up a bottle or two in a winery and drives home with them in his or her suitcase. However, it does prevent wineries from shipping product to customers in other provinces. It is a law that is out of date and should be changed.

When I say this law is out of date, I refer to the change in attitudes since the prohibition era regarding the consumption of wine. Moderate consumption is part of a healthy lifestyle in many respects, but this law is also out of date because of the dramatic change in the Canadian wine industry. This is a business that, for all intents and purposes, did not exist at the time this law was written.

Today there are somewhere around 500 wineries in Canada, with more on the way.

• (2100)

In my own province of Ontario, the wine industry has exploded. Those who predicted its demise with the signing of the Free Trade Agreement could not have been more wrong. Between 1999 and

2009, the number of grape wineries in Ontario increased from 50 to 146. Several more have opened since then, including one just a few kilometres from my home in the Thousand Islands. That is the Eagle Point Winery, just north of Rockport and the Thousand Islands Bridge; it is well worth a visit.

The Ontario industry is centred in the Niagara Peninsula, but there are extraordinary wines made on the Lake Erie North Shore, on Pelee Island, and in Prince Edward County, where I had the good fortune to issue a licence to the first wine producer, Waupoos Estates. Domestic wine sales in Ontario top \$500 million dollars annually.

British Columbia, the home of Mr. Albas, is a major producer of wine. Although Ontario has more acreage devoted to grapes for wine production and produces more wine, British Columbia has more wineries — more than 200, I understand. Other provinces, including Nova Scotia and Quebec, have growing wine industries.

Some honourable senators may ask why the need for this bill, when wine drinkers need only visit their local liquor store to buy a bottle from another province. That is the argument one will hear from the big liquor monopolies such as the Liquor Control Board of Ontario. The issue is not quite that simple.

Smaller wineries say it is challenging, frustrating and costly to get their products on the shelves at the liquor boards. Many of them operate on such a small margin, and produce such small quantities, that it is simply not realistic. However, this bill will allow them to ship their product to customers in other provinces, opening up online sales in particular. In my view, the greatest beneficiary of this bill will be small, often new operations that have trouble reaching customers.

There is another way this bill will help wineries, both big and small. Wine tourism has exploded in the last 20 years. One million tourists visit Ontario wineries each year. The ability to take a few bottles home, or arrange for some to be shipped, enhances the experience. Making it legal to do so will benefit the entire hospitality industry in these wine regions.

Although the Canadian wine industry has grown substantially in the last couple of decades, it remains a tough business, a low-margin labour of love. Like all agricultural-related enterprises, it is dependent on weather. A bad year or two can be devastating.

This bill is a simple way to help. It will cost the federal government nothing, but wineries tell us it will have the potential to boost sales by 5 to 10 per cent. This is the reason the Canadian Vintners Association strongly supports the passage of Bill C-311.

There is another stakeholder worth mentioning: the consumer. Honourable senators may have heard of “Free My Grapes,” the campaign launched by the Alliance of Canadian Wine Consumers. This movement is devoted to pushing for the legalization of shipping wine across provincial borders for personal consumption. Shirley-Ann George, president of the

alliance, makes the case compellingly. As she told the House of Commons Finance Committee: Consumers want this; it is affordable; most Canadians have access to only a fraction of Canadian wines; and the greatest benefit of this bill will go to small- and medium-sized businesses.

There was one quibble raised by some of the supporters of Bill C-311, and it is important that I mention it now. Some were concerned that the bill will leave it up to the provinces to determine how much wine can be imported across provincial boundaries, that there should be some mechanism to force them to allow a reasonable quantity.

Members of the other place decided — correctly, I believe — not to intrude on this area of provincial jurisdiction. This bill will remove an impediment to interprovincial trade, but we must recognize that liquor distribution is a provincial responsibility. I hope and trust that provincial governments will decide that they, too, stand on the side of consumers, and establish limits that are reasonable for personal consumption.

In conclusion, honourable senators, by ending this outdated prohibition, we will offer a helping hand to the agricultural community, the tourism sector, and to hundreds of small- and medium-sized businesses across Canada. The industry wants this prohibition removed, and so does the public.

I encourage honourable senators to support Bill C-311.

Hon. Percy E. Downe: Would the honourable senator take a question?

Senator Runciman: Yes.

Senator Downe: I was surprised by the interest in this bill. I was reading in the local paper on Prince Edward Island — and the honourable senator's speech captured this exactly — that the small wineries are very much looking forward to the passage of this bill. However, I have a couple of questions.

If wine is imported from another province, would one pay the provincial tax on the wine in the province one resides in or would one pay the tax in the province the wine comes from?

Senator Runciman: My view on this — and it would have to be confirmed — is that one would pay the province that is selling the product. In my experience with respect to the smaller wineries, certainly in Ontario, there are problems gaining access for shelf space; and even the shelf space they do get, the quantities that the monopolies get — and certainly the Liquor Control Board of Ontario — are very modest. It is a difficult nut to crack, and trying to sell out of the operation itself is essentially what they are limited to. It is difficult to survive.

Senator Downe: I think the honourable senator captured that exactly right. The wineries in Prince Edward Island say they simply do not have the market. They have a short tourism season, but they have a lot of visitors who want the product shipped.

I see Senator Smith is getting his order in now, and we will make note of that.

Senator D. Smith: We just do not drink enough.

Senator Downe: That is right. We do not consume enough; that is the problem.

I have another question. This prohibition, which I was not aware of until this bill was introduced — and I congratulate the members who were involved in the other place — is there a similar prohibition on other liquor products? This may be beyond the honourable senator's scope, but if I wanted to order Newfoundland Screech, for example, and it was not available in Prince Edward Island, does the honourable senator happen to know whether there are other areas like this that have to be cleaned up?

Senator Runciman: I do not have the answer to that; I am sorry.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I know that the time is late but I did want to say a few words on behalf of all wine lovers in support of Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act. This legislation is long overdue, and I hope to see its swift passage by the Senate.

As a proud home owner and taxpayer in British Columbia's Okanagan Valley, one of the epicentres of the Canadian wine industry, I am pleased to support this bill. I have had the opportunity to see the growth and rapid development of the viticulture industry first-hand and I have been proud to see many of the Okanagan's wines attain world-class standards. Much as I love to enjoy British Columbia wines, honourable senators, I have never been able to ship those wines back to Alberta to enjoy at home.

As Senator Runciman has indicated, under federal law it is illegal to move wine across provincial borders unless that wine is exported by the liquor control boards under the Importation of Intoxicating Liquors Act. As mentioned, this act was passed in 1928 to suppress the bootlegging that was rampant at that time.

I am sure all honourable senators will agree that a prohibition-era law has limited use in 21st century Canada. In fact, it stifles the flourishing economic activity generated by the Canadian wine industry. Wine tourism drives economic activity across many spinoff industries in Canada's wine-growing regions when Canadians travel outside their home province to visit wineries, and it enhances the quality of life of people living in those regions.

A large proportion of Canadian wineries are family owned and run, and the profits of these enterprises are, by and large, reinvested in local communities.

Senator D. Smith: Some by former Liberal senators.

Senator Tardif: That is right.

Bill C-311 would allow Canadians to bring back wine from their visits to other provinces and to make online purchases.

This bill has been met with enthusiastic support from vintners, small and large, across Canada. Vintners from the well-established British Columbia industry see it as an opportunity to further

expand their businesses, while vintners from the blossoming wine industry in Nova Scotia say they need this legislation to kick-start their businesses.

• (2110)

The existing law limits sales and growth for small vineyards and restricts access for consumers. Canadians from across the country should have equal access to the very best in Canadian wines from one coast to the other.

One Nova Scotia vintner, Hans Jost of Jost Vineyards, told media recently that, "Customers ask several times a week if they can ship their wine. We always have to say, 'No, sorry, there is nothing we can do.' There is minimal exposure outside of Nova Scotia for our wine. In Nova Scotia, there is a population of about 960,000, but the same winery in Ontario has a market of 10 million people."

Mr. Jost raises an important point. With a population of less than one million people, it is impossible for the market within Nova Scotia alone to sustain the kind of growth that is possible in the wine industry.

Removing interprovincial trade barriers will allow these vintners to take their businesses to a whole new level.

I would be remiss if I did not share with you, honourable senators, that even my own home province of Alberta boasts three wineries: the En Santé winery in Brosseau, the Roaming River Ranches in Lethbridge; and Field Stone Fruit Wines in Strathmore.

[Translation]

I recently had the great pleasure of discovering another of Canada's wine regions. Last week, Senator Nolin hosted a reception that featured consumer goods from Quebec. A few grape growers from southern Quebec were there, including some from the region of my dear colleague, Senator Carignan, Saint-Eustache.

The vineyards are concentrated in the regions of the Basses-Laurentides and the Eastern Townships. Although the wine industry is relatively small and unknown in Canada, it is growing exponentially, to the surprise of many. The number of producers increased from five in 1985 to 50 in 2008. Logically, it makes sense that Quebec's wine industry would be more successful if these wines could more easily cross provincial borders.

Honourable senators, it is interesting to note that wine production in Canada is nothing new. In 1535, Jacques Cartier identified *vitis riparia* wine grapes in abundance on the island he called Île Bacchus, now known as Île d'Orléans. In 1608, Samuel de Champlain started planting French grape varieties, including *vitis vinifera* in that same area.

[English]

Today there are more than 500 wineries in Canada within six provinces: British Columbia, Alberta, Ontario, Quebec, Nova Scotia and Prince Edward Island.

It is almost hard to believe that such a nonsensical law exists today. It is easier for Canadians to import wine from another country than it is to import wine from another province. As an

example, if one were to make the short trip from Prince Edward Island to a winery in Nova Scotia, one could not bring wine back home with them. However, were one to take a trip to France, one would be free to bring home a bottle of Bordeaux to enjoy later.

How did we get to a point where there is a greater trade barrier between Prince Edward Island and Nova Scotia than there is between Canada and France or Italy? If we have the best interests of Canadian businesses at heart, we should address this bizarre situation without delay.

The implementation of Bill C-311 will remove one of the key barriers to the growth and prosperity of the Canadian wine industry. This exemption would be for personal use only and not for commercial purposes, and provinces and territories would each decide what the individual import limit would be.

Honourable senators, I hope you will join me in supporting sending Bill C-311 to committee for further study.

The Hon. the Speaker: Do honourable senators have a question or comments?

Hon. Jim Munson: Thank you, honourable senators. I have a question. I noticed it is called the "Importation of Intoxicating Liquors Act." I am wondering if the honourable senator would support an amendment, because "import" sounds like a foreign substance and "intoxication" does not sound right. Would she support a new amendment calling it the "Let's all just enjoy a Canadian drink act"?

Senator Tardif: I have no comment.

Hon. Joseph A. Day: On debate, honourable senators, I could not let the moment pass without letting you all know that there are wineries in New Brunswick as well.

Some Hon. Senators: Yes.

Senator Day: In fact, there are two in my district, on the beautiful Belleisle Bay. I invite you to come down and visit.

Hon. David P. Smith: I have a question. Will honourable senators raise their glass of water and drink to Canadian wine?

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY

FIFTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Mahovlich, that the fifth report (interim) of the Standing Senate Committee on Transport and Communications, entitled: *The Future of Canadian Air Travel: Toll Booth or Spark Plug*, tabled in the Senate on June 5, 2012, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Transport, Infrastructure and Communities being identified as the minister responsible for responding to the report in consultation with the Minister of State (Small Business and Tourism).

Hon. Dennis Dawson: Honourable senators, wine is a tough act to follow when you are talking about *The Future of Canadian Air Travel: Toll Booth or Spark Plug*.

I was going to read long extracts of the report to honourable senators, but I know that I have competition for their attention. I know it is 3-0 now for Los Angeles and people on one side of me are listening to that hockey game. There are also two by-elections going on in Quebec and the Liberals are leading 2-0, so I know senators have other issues they want to deal with.

As far as this report is concerned, I invite honourable senators to go to the committee's website.

I see my deputy chair is here. I want to thank him for the work he did on the committee and the steering committee.

I am promoting a lot of people through the Transport Committee. Senator Frum, who is the one who raised the subject of air transport with Senator Housakos so that we would debate it, has now been promoted to other committees. Senator Eaton, who is speaking with her leader, has also been promoted. She was on the steering committee dealing with this issue. I want to thank all of them for the work they did, including Senator Verner, who is now on the steering committee, and the members of the committee.

I want to thank them all because this is a unanimous report. When one gets a unanimous report that can be perceived as criticizing government, one also wonders what charm did the chair of the committee have. He did not have that much. The reality is that this is a non-partisan subject in the sense that it started under Mr. Mulroney in the early 1990s and went on with Mr. Chrétien and Mr. Martin in the 1990s. It is time we look at it again and I want to thank the members who brought this subject up at committee.

With the support that we got from the people who came before the committee, there was no report we could make other than saying to the government, "You have to stop looking at airports and air travel as a source of revenue, and you have to look at it as a source of investment."

[Translation]

In 1992-93, when the government in Ottawa transferred the 26 national airports to the individual communities, we saw a change. Although airports required spending, the finance minister at the time, Mr. Martin — I like to think that I can speak favourably of him — realized that airports could be a source of revenue. That is when the government started charging rent.

• (2120)

Take Winnipeg airport for example, which was transferred in 1993 for \$1 million. Today there is a new airport in Winnipeg and the Canadian government has not invested one cent. The airport authority must lease a building for \$100 million. The building was paid for by the people and users from Winnipeg, and the financing provided by the market.

It is not right that airport authorities pay rent to the federal government. Over the past 10 years, the rent has totalled almost \$4 billion. The money could have been invested in the airport instead of being a source of revenue, which has resulted in an extremely complicated situation.

[English]

About 75 per cent of Canadians are one hour away from the American border. Over the last year, 4.5 million Canadians crossed the border to take their flights. That is the equivalent of Canada's fifth biggest airport, which is Ottawa. Some people think it is Halifax, but it is Ottawa. It was 4.5 million people last year and it will probably be 5 million people this year because it is going up 15 per cent per year. That was not a problem in 1993, 1994 and 1995 when the Canadian dollar was at 65 cents. People did not cross the border to take flights in those days. Since then, the Americans have been subsidizing the building of airports. Both Plattsburg and Burlington airports advertise as American airports for Montreal. They even have bilingual service; some of them are probably more bilingual than some of our Canadian airports. They give service to Canadians. A city with 45,000 people has 300,000 passengers, and about 95 per cent of them come in from Montreal. Why is that? It is because they subsidize the building of airports; they do not charge rent; and they do not charge security fees or any of those taxes that are charged in Canada. People can travel for a much lower cost from the U.S. than they can travel from Canada.

[Translation]

There is also the example of Buffalo airport, near Toronto. One million passengers at Buffalo airport are from the Ontario region. The Toronto airport authority has lost those passengers and therefore Canadian taxpayers and users, in short the consumers, must pay more airport taxes because people board flights in Buffalo. Why? Because airports have always been seen as a source of revenue rather than a means of economic promotion.

[Senator Dawson]

[English]

We need a national air policy. We have to get the people to sit down and talk about the billions in tourism dollars that we are losing to American airlines. The 4.5 million Canadians that go to American airports has to stop because it is 15 per cent to 20 per cent a year and growing. If we do not act on this soon, it will only get worse; it will not go away.

We are asking the government to sit people down at the table and develop a national airline policy. Stop seeing it as revenue. Stop paying rents for buildings that you did not invest in. The Winnipeg airport is the caricature but every single airport in Canada is living on investments that they made by themselves and they send a cheque to Ottawa for rent. It is not rent. You pay rent to the owner of a building, but if you pay for the building and pay rent for it, then there is an injustice; and we have to correct that. The report was unanimous.

As an example, I arrived in Ottawa about 35 years ago this week. I was sworn in at the House of Commons on June 8, 1977. The first file I had in my riding was on the Quebec City airport. Every day during the by-election campaign people said something had to be done about the airport. I arrived in Ottawa and went to the Department of Transport on Kent Street and asked to see the minister. The issue was that you had to go back to Ottawa to get money for airport renovations. The decision to turn the 26 national airports back to the local authorities was a good one.

However, one has to understand that now that is done, we have to go to the next step. We have to give them their airports so that they can develop them without having to report to Ottawa and send cheques to Ottawa. Airport authorities have to be able to plan for the next 50 years.

Some airports have 40 years left on their agreements with the Government of Canada; and they have 35-year borrowing contracts. Everyone knows that these airports will never be sent back to the federal government and that they will always be operated locally. Why not do it officially and do it right now?

I thank the members of the committee once again for the unanimous report. Honourable senators, I hope that this report is adopted.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Is there further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Dawson, seconded by the Honourable Senator Mahovlich, that the fifth report of the Standing Senate Committee on Transport and Communications entitled *The Future of Canadian Air Travel: Toll Booth or Spark Plug*, be adopted.

Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**COMMITTEE AUTHORIZED
TO MEET DURING SITTING OF THE SENATE**

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of June 7, 2012, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to sit on Tuesday, June 19, 2012, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

LEGAL AND CONSTITUTIONAL AFFAIRS**COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF PROVISIONS AND
OPERATION OF THE ACT TO AMEND THE CRIMINAL
CODE (PRODUCTION OF RECORDS
IN SEXUAL OFFENCE PROCEEDINGS)**

Hon. Bob Runciman, pursuant to notice of June 7, 2012, moved:

That, notwithstanding the order of the Senate adopted on October 4, 2011, the date for the presentation of the final report by the Standing Senate Committee on Legal and Constitutional Affairs to examine and report on the provisions and operation of the *Act to amend the Criminal Code (production of records in sexual offence proceedings)*, S.C. 1997, c. 30 be extended from June 30, 2012 to December 31, 2012; and

That the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL FINANCE**COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF POTENTIAL
REASONS FOR PRICE DISCREPANCIES OF CERTAIN
GOODS BETWEEN CANADA AND UNITED STATES**

Hon. Joseph A. Day, pursuant to notice of earlier this day, moved:

That, notwithstanding the order of the Senate adopted on Thursday, October 6, 2011, the date for the presentation of the final report of the Standing Senate Committee on National Finance on its study of the potential reasons for price discrepancies in respect of certain goods between Canada and the United States, given the value of the Canadian dollar and the effect of cross border shopping on the Canadian economy, be extended from June 30, 2012 to December 31, 2012; and

That the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

He said: Honourable senators, this motion asks permission to move the date of the report of the committee from June 30, 2012, to the end of the year because the committee will not have time to get to it.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

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Tuesday, June 12, 2012



The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Tuesday, June 12, 2012

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I would like to draw to your attention the presence in the gallery of Yvon Poitras, General Manager of the New Brunswick Maple Syrup Association, his wife Laurette Poitras, and his daughter Nancy Cyr Caron, and of Patrick Lévesque, producer and owner of Érablière de la Montagne Verte and Chantal Lévesque.

They are guests of the Honourable Senator Mockler.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

SENATORS' STATEMENTS

SUPPORT FOR VICTIMS OF CRIME

Hon. Pierre-Hugues Boisvenu: Honourable senators, it is an honour for me to talk to you today about two events I attended on Thursday and Friday in the magnificent City of Quebec, which I invite you all to visit this summer.

The first event was indeed a first. On June 7, for the first time in its history, the Barreau du Québec welcomed a Minister of Justice from the Conservative government to open its annual conference. The Minister, the Honourable Rob Nicholson, delivered a wonderful speech in both official languages. I would like to commend his delivery and share with you some of his comments.

The minister explained how the law has evolved since Canada adopted the first Criminal Code in 1892:

Our government has gone to great lengths to ensure that our criminal justice system keeps pace with our evolving Canadian society and values.

As Minister of Justice, I have had occasion to listen to the victims and I understand how their lives have completely changed as a result of the criminal acts committed against them.

The minister talked about the many things he has done to better support victims of crime, including \$13 million in permanent funding for the Victims Fund plus \$7 million over five years to increase victims' access to justice. It is also important to

remember that our government will provide stronger support for victims' groups, which now speak out loudly and clearly on behalf of victims across Canada.

Finally, the minister mentioned our government's commitment to increasing public confidence in our institutions and restoring balance to the justice system.

Do I need to remind you, honourable senators, that the evolution of rights and the presence of victims in our justice system have been constantly diminishing since this first Criminal Code was passed? Since that time, victims have gone from being major players to passive, powerless observers. We want to restore the confidence of victims of crime.

The second activity took place last Friday at the Citadel in Quebec City. I had the pleasure of making a presentation at the Governor General's Canadian Leadership Conference.

The Governor General's Canadian Leadership Conference was created to broaden the perspectives of future leaders in business, unions and public administration so that their decisions are based on a practical understanding of the influence of their organizations on the general welfare of the community and Canadians.

I had the privilege of making my presentation to the Quebec 2 study group, which was made up of 15 people from various communities across the country. They were chosen because of the contribution they make to the quality of life in their respective spheres of activity.

As you may have guessed, my presentation was on permanent rehabilitation, victims' expectations of the government and the action we have taken to date and that we hope to take in the coming years, including the establishment of a victims bill of rights to strike a real balance between the rights of criminals and the rights of victims in our Canadian justice system.

At this meeting, I found that most of the participants — who were very representative of the population of Canada — supported our justice and public safety policies. It is also important to note that we have great leaders in Canada who deserve to be recognized.

The Governor General's Canadian Leadership Conference will wrap up this evening with a reception on Parliament Hill, where many participants will have the opportunity to be welcomed by the speakers of both houses.

[English]

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

Hon. Mobina S. B. Jaffer: Honourable senators, this past May I had the honour of joining Senator Tkachuk and the Canada-Japan Inter-Parliamentary Group on a visit to Japan. Upon our arrival, our delegation was warmly received by the Canadian

Ambassador to Japan, Jonathan Fried, and his staff. We also had the pleasure of having Christopher Burton, Sayaka Noguchi and Stephane Beaulieu accompany us throughout our stay. I thank them for all they did for us to make our time in Japan so memorable.

• (1410)

I would also like to take this opportunity to thank His Excellency Ambassador Kaoru Ishikawa and his staff, who helped me prepare for the trip.

While in Japan, our delegation was introduced to the Japanese Diet League by the speaker, who graciously met with us many times. Many Diet League members helped explain to us Japan's parliamentary system and the impact of the Great East Japan Earthquake and Tsunami. We also had the pleasure of meeting Messrs. Goto, Murata, Ohata, Kawagoe and Kuwabara, Ms. Tanioka and Ms. Kamei, who travelled with us.

Honourable senators, when I was young, my mother always taught me that your first relative was always your neighbour, as in an emergency they would be the first people to help you. As a senator from British Columbia, I have always felt a connection to our neighbours in Japan, and I have often embraced their culture, cuisine and art. In fact, my grandson Ayaan does not know that sushi and teriyaki originated in Japan; he thinks they are Canadian foods.

Unfortunately, when tragedy struck Japan, I was under the mistaken belief that I understood the soul-destroying impact the Great East Japan Earthquake and Tsunami had on the Japanese people. It was not until a few months ago, when a container with a motorbike was found on British Columbian shores, that the loss the people of Japan suffered truly hit home. In my household, my husband, Nuralla, a biker, was upset thinking of the pain of a fellow biker.

While in Japan, I began to further understand the loss the Japanese people suffered. Honourable senators, nothing prepared me for what I saw. While visiting the affected areas, we literally saw hills of debris, concrete, steel and peoples' belongings. We saw temporary portable homes with young children playing outside. We saw the remains of school buildings, which had damaged walls and shattered windows. In my mind, I can still hear the young schoolchildren and their teachers who were trapped inside the school walls desperately crying for help.

In Minami Sanrikucho, we saw a red steel structure and were told it was the disaster centre, which was supposed to withstand tsunami. We also heard of Miki Endo, now known as "the voice of an angel," for bravely saving thousands of lives by broadcasting warnings of tsunami until she was swept away and lost her life.

Honourable senators, I share with you what I saw in Japan to give you a better understanding of the great loss our neighbours in Japan have suffered. The Japanese people are resilient, and this is poignantly signified by the one pine tree that is standing in the tsunami area where once there was a forest.

Honourable senators, if our neighbour is our first relative, then we need to be there for the people of Japan. I have every confidence that they will get through this difficult time. However, we need to help support them on their journey to recovery.

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, before calling for Tabling of Documents, I would like to salute two of our departing pages, Michael Molzan and Martine L'Heureux.

Michael is this year's Deputy Chief Page and comes from Edmonton, Alberta. He has just completed his undergraduate degree in political science and history at the University of Ottawa. Michael will be travelling next year while teaching in Japan. Afterwards, he plans to return to university to complete graduate studies or to go to teachers college.

[Translation]

Martine L'Heureux was born and raised in Rimouski, Quebec. She has just finished her final year at the University of Ottawa, where she completed the Conflict Studies and Human Rights program with a minor in Political Science. Martine is passionate about Latin America and will go to Honduras this summer to take advantage of new opportunities.

[English]

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

SEVENTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Mobina S.B. Jaffer: Honourable senators, I have the honour to table, in both official languages, the seventh report, interim, of the Standing Senate Committee on Human Rights entitled: *Level the playing field: A natural progression from playground to podium for Canadians with disabilities*.

(On motion of Senator Jaffer, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

QUESTION PERIOD

OFFICIAL LANGUAGES

REDUCTION OF SERVICES

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate.

On October 20, 2011, I shared my concerns concerning the possible effects of the likely budget cuts on official language minority communities. I mentioned that the 5 per cent to 10 per cent reductions could disproportionately harm these minority communities.

At that time, I raised the fact that a number of departments still do not understand that they have an obligation to promote linguistic duality.

Consequently, the government must ensure that the individual reductions in each department do not, when taken as a whole, create a situation where official language communities are unintentionally harmed by cuts that, in total, exceed 5 per cent or 10 per cent.

I was right to be concerned, honourable senators. And yet, this is just the start of the reductions. Let us look at the French communities in Manitoba, and I will give you a few examples.

On April 5, 2012, I asked a question about Katimavik, a program for our youth that has been cancelled. French communities in Manitoba were involved in the program, and many young people participated and also came to our communities.

On April 25, 2012, I asked a question about immigration. Manitoba successfully promoted francophone immigration under the provincial nominee program. Our goal was to ensure that seven per cent of the 70,000 qualified immigrants who settled in Manitoba spoke French. That was good. Now we no longer have any control over francophone immigration, which has been centralized at the federal level.

On May 10, 2012, I asked a question about the National Film Board, which had cut the position of producer responsible for French documentary productions in the West — abolished after 40 years in existence.

This week, on June 8, 2012, Parks Canada eliminated interpretive services at 27 historic sites across Canada. In Manitoba, these services have been eliminated at the only French-language site in the province: Riel House, the Métis historic site closely connected to the story of Louis Riel. The site has been open since 1979, but interpretive services will now be eliminated.

My question is this: if federal departments continue to cut without taking the specific needs of these communities into account, and if they continue to use criteria designed for the majority without gauging the impact on official language minority communities, there will be tremendous repercussions on those communities.

Are the departments being indifferent or just careless? What happened to respect for parts IV and VII of the Official Languages Act? Has anyone analyzed the cumulative effect of these cuts to departments and organizations on official languages communities?

If so, may I have a copy? If not, why not? Would that not be an important analysis to do?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, of course I must disavow the honourable senator of the notion that the government has not paid close attention to our obligations, indeed our desire for and our commitment to Canada's linguistic duality and our full support of Canada's two official languages.

• (1420)

I was a member of the special committee of Treasury Board that went through all the expenses presented by all the departments and that also oversaw all the departmental suggestions on savings the government might bring into being. We specifically applied an overview with respect to official languages to ensure that official languages programs and other similar ones were not unduly or unfairly affected or overrepresented in the work of our committee.

The honourable senator can cite many programs, and I can get up and cite many initiatives the government has taken in support of our official languages, of which the success we have had with the roadmap is just one.

Regarding the stories about Riel House National Historic Site, this site is not closing. Many of the sites that are under Parks Canada are moving to a self-guided approach. We have all been through self-guided sites. The sites are open, people attend them and, with new-age technology, they are able to get a fuller story. One need only go to the museums in Ottawa to get an audiovisual version of a truer picture of history.

We are not closing the Riel House National Historic Site. The method of engaging visitors at this site and other sites will focus on using print and electronic media, which we are finding to be more informative and less costly than guided activities.

[Translation]

PARKS CANADA

REDUCTION OF SERVICES

Hon. Maria Chaput: Honourable senators, in the case of Riel House, I do understand that the building itself is not closing. What Parks Canada is doing is cancelling the contract it had with the St. Boniface Historical Society to provide that service.

It cost Parks Canada \$56,000 a year to have someone on site from March until the end of October to recruit volunteers, coordinate fundraising activities and provide personalized service in French in Manitoba to promote that province's Métis community. That service will no longer be provided. I understand: the house will remain open and there will be information panels, but the staff member will no longer be there to recruit volunteers and plan promotional activities during the summer months.

Does this not have a negative effect on the promotion of this historic site, which is dedicated to Louis Riel's story? Is this not contrary to what the federal government should be doing to support these communities?

[English]

Hon. Marjory LeBreton (Leader of the Government): To the contrary, honourable senators, with respect to the Riel House and other similar sites, Parks Canada, in moving to the new system, is not eliminating its ongoing work with the communities involved. As a matter of fact, Parks Canada has committed itself to working closely with all local communities, businesses and tourism industries in the areas of the various sites, first, to profile a site and, second, to maximize in a positive way the impacts of any changes it makes. Parks Canada has not walked away from the community and it will be working with the community.

As honourable senators know, of course, the mandate of Parks Canada is the protection, promotion and presentation of Canada's natural and cultural heritage. Nothing that we are doing through this process in any way undermines the very good work that Parks Canada does. All of us at different periods in our lives have been the recipients of this great work.

As I have pointed out in this place before, times have changed. There are new technologies and ways to explain our history and heritage to our visitors and to attract people to our sites. We have many examples of how people are more informed and better educated on the very important role that these figures played in our history by taking their time, reading the material that is presented before them or having the advantage of an audiovisual presentation, whereas oftentimes a guide will simply point out a thing and then hustle people along to the next site. We have evidence that this new system is, in fact, working in a positive way to better inform Canadians of our great heritage, history, culture and the various figures in our history who have played a very important role in the ongoing development of Canada.

Senator Chaput: Speaking of Louis Riel House, a former archeologist at Parks Canada said:

... the government may have thought it could get away with some of the cuts it's making to Parks Canada because many of the areas don't have advocates to plead their case to the public.

That is what this gentleman said.

[Translation]

In the case of Riel House, could the government step in and ensure that Parks Canada continue to fund this unique Métis heritage site in Manitoba?

[English]

Senator LeBreton: Honourable senators, it is easy for each and every one of us to get up and quote an unnamed individual who is not happy or has something to say about any government program, whether it is this government or a previous government. That is an easy thing to do. Many people support what the government is doing and many people who do not. It comes as no surprise that people will have views one way or the other. The honourable senator did not name the individual, and I do not know on what basis this individual said these things.

Parks Canada is an organization that is celebrated as one of the most well-run and excellent departments of the Government of Canada. I have already explained to honourable senators that Riel House National Historic Site is not closing. Parks Canada is very much involved in this historic site. I do not know how else I can explain it other than that Parks Canada is continuing to treat Riel House as the national historic site that it is, has been and will be in the future.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT INSURANCE CONSULTATIONS

Hon. Terry M. Mercer: Honourable senators, last week Minister Finley kindly let us all know that she and her Conservative colleagues speak for everyone when it comes to the changes to the Employment Insurance system. The minister confirmed last week that there will be no consultations with Canadians or any members of other parties. Conservative MPs are the ones she consulted after they travelled across the country and that suits her just fine.

The Leader of the Government in the Senate knows full well that only about 30 per cent of Canadians voted for the Conservatives, which means about 70 per cent voted for other parties. When it comes to EI, the Conservative dictatorship continues, because they just will not listen to Canadians' input on anything.

Would the leader kindly tell us what gives her party the right to make decisions for Canadians without even consulting them?

Hon. Marjory LeBreton (Leader of the Government): First, honourable senators, I am glad the honourable senator is not doing my taxes because it was almost 40 per cent of Canadians who voted for our government — slightly more than those who voted for one of the Chrétien majority governments, I might add.

• (1430)

Honourable senators, first, I do know that Minister Finley has been consulting with her ministerial counterparts in the provinces. There have been many opportunities in the House of Commons for members of the opposition to question the minister. There have been committee meetings. I think it is unfair for Senator Mercer to characterize Minister Finley as an individual who only listened to one side of the debate.

We must understand that the government's motive is for jobs, the economy and the long- and short-term prosperity of our country, and also an economy where Canadians have created 760,000 jobs. However, we also recognize that systems that served us well in the past do need to be reviewed, amended and changed to meet the needs of future generations.

Minister Finley has done an excellent job of explaining the government's position. She has consulted her provincial and territorial counterparts. She appeared before committee in the other place and brought her officials. I am not sure if she has appeared before committee here. As well, she has conducted many information sessions across the country and has participated in news conferences with the media where they have been free to ask her any questions they wished.

It is very unfair of Senator Mercer to characterize Minister Finley as being anything but open and consultative on this issue, because she certainly has been.

Senator Mercer: I hate to be unfair, but on a technicality, to His Honour, when we are asking questions and Senator LeBreton is answering questions, it would be appreciated if the person at the desk next to her does not carry on a separate conversation. I am not talking about heckling — that is part of the game — but when there is another conversation, those of us who are hearing-impaired and listen through the hearing device are getting two conversations. Perhaps we could watch that in the future.

Conservative MPs are also saying that while they are hearing from worried Canadians over the changes, most just want clarification of how the reforms will affect them. What happens when my MP, the Honourable Scott Brison, hears the same thing from his constituents? There is no mechanism for consultation with the government for Mr. Brison. This is a shameful way of treating Canadians and the constituents of Kings—Hants.

When will this government realize that it must work with all parties and all Canadians on reforms instead of running the country like a dictatorship?

Senator LeBreton: Honourable senators, the government was elected last May. Members of the official opposition were elected — of course, the NDP. Members of the Liberal Party were elected. They all serve in a democratic institution called the House of Commons in the Parliament of Canada. They are all party to the debate and discussions in the House of Commons. They are all free to attend committee meetings. They certainly are free, and have done so, to make their views known, and that is all fine.

As I pointed out, the government's focus is on jobs, the economy and short- and long-term prosperity. The changes that we introduced in the budget and the budget implementation bill are all geared toward putting us on the proper path to future prosperity.

It is in the interests of Canadians and Canadian taxpayers that we do this. There is nothing preventing anyone in the House of Commons or in this chamber from getting up and freely expressing their views, going to committees, making themselves heard and representing their constituents. None of that has changed. This is the way it has been in this place since I have been kicking around here since 1962. Nothing has changed. It is quite incorrect to suggest that people somehow or other are no longer free to make their views known. That is just not the case.

Hon. Sandra Lovelace Nicholas: Honourable senators, there has been talk that the government has consulted with leaders in provinces. Were there consultations with Aboriginal leaders?

Senator LeBreton: Honourable senators, I participated myself in an important meeting in January where ministers of the Crown and a huge delegation of Aboriginal leaders from all over the country participated in a host of areas, including education and ensuring that young Aboriginal Canadians have the same opportunities available to them as are available to other Canadian citizens.

I would suggest to the honourable senator that working with, seeking solutions and advancing the interests of Aboriginal Canadians is an area where this government really deserves a great deal of credit.

Senator Lovelace Nicholas: Honourable senators, there could have been meetings last year or January, whenever the leader said they were, but to my knowledge to this day, whatever the government promised the Aboriginal people, nothing has happened. Nothing has come of it.

Senator LeBreton: I will be very happy to provide the Honourable Senator Lovelace Nicholas in writing with a long list of achievements of this government with regard to our ongoing work with Aboriginal communities and Aboriginal leaders. Of course — and it really is a first — Aboriginal people are represented in this government to the extent that they have never been represented in the government before in the history of the country. Two ministers of the Crown and several members of Parliament are Aboriginal, and they work very closely with our government.

I will personally undertake to provide information to Senator Lovelace Nicholas regarding a number of areas, including education, health, safety and access to resource development. We have had excellent ministers — Prentice, Strahl and now Duncan. We have an excellent parliamentary secretary in the person of Greg Rickford from northern Ontario, who has worked with the Aboriginal community all his life.

I would be very happy and proud to bring the senator up to speed on all the things we have done in support of our Aboriginal citizens.

Hon. Jane Cordy: In her reply to Senator Mercer, the leader said that Minister Finley has consulted with her provincial counterparts. Interestingly enough, a couple of weeks ago the Atlantic premiers got together — Premier Ghiz from Prince Edward Island, Conservative Premier Dunderdale from Newfoundland and Labrador, Conservative Premier Alward from New Brunswick and Premier Dexter from Nova Scotia — and all said that they had received no consultation, none, from the minister.

What Minister Finley did say to the editorial board of the *Chronicle-Herald* was that she did consult, as Senator Mercer said, with all Conservative MPs. One would have to assume, and perhaps the leader can correct this, that my Conservative MPs from Nova Scotia — Peter MacKay, Gerald Keddy and Greg Kerr — all agree wholeheartedly with the changes that have been made to EI in this budget. Would that be correct?

• (1440)

Senator LeBreton: Minister Finley, I believe, commented after the meeting of the premiers of the Atlantic provinces and indicated that she was open to hearing and taking into consideration anything they had to say and any of their views. I took that as an indication that she certainly was paying attention to what they said. It is interesting.

The government has noted that people who have really looked at what the government is proposing with regard to EI have generally received it very well. Our objective is to ensure that the

EI system works for those who require its services and also assists Canadians in finding meaningful work and that the Employment Insurance system is there for the right reasons, to work with Canadians who, through no fault of their own, find that they are out of work, although acknowledging again that there are labour shortages all over the country. The objective here is to ensure that Canadians who are not employed have access not only to support but also to all the latest information about what jobs are available so that they can find meaningful work.

Senator Cordy: The leader did say in her response to Senator Mercer that the minister had consulted with provincial counterparts. She obviously did not consult with the four Atlantic premiers. If she came out after they had their press conference and said, "Well, now I am willing to talk to you and willing to hear your views," then she did not consult, which is what the leader said to Senator Mercer.

The leader also said that people are in favour of the EI system. Every one of the four Atlantic premiers spoke out against it, which surprised me. This was the first time I have heard Premier Alward speak out against the Prime Minister. Certainly I know that Premier Dunderdale has shown extreme frustration with the Prime Minister, but she also spoke out against the changes, as did Premiers Dexter and Ghiz.

However, that was not my question. My question was about my Conservative MPs, Peter MacKay, Gerald Keddy and Greg Kerr, who were consulted by Minister Finley. The minister said in her editorial board to the *Chronicle Herald* that she consulted with her Conservative MPs, so my Conservative MPs from Nova Scotia. Are they in favour of the changes that have been made to EI in this budget bill?

Senator LeBreton: I think the honourable senator is misrepresenting what the four Atlantic premiers said. I read some of the comments. Some of them expressed a concern that they needed more information. Premier Alward has actually put a group together to study the recommendations and the proposals the government has made and how they may impact New Brunswick. That is, of course, a prudent course of action.

My understanding is that Minister Finley consulted many people, not only people who are in politics but also many industries, small and large, as to what would be necessary to ensure that the EI system is sustainable and there down the road for people in the future.

Senator Cordy: Are Conservative MPs from Nova Scotia in favour of the changes that have been made to EI in the budget bill?

Senator LeBreton: Try as Senator Cordy might, I speak in this place for the government. I do not speak for each and every individual member of Parliament. I was not privy to the consultations with MPs. I have not been privy to all of the deliberations that have been taking place in the House of Commons.

I would say that the changes that we are suggesting in order to sustain the EI system are necessary. There is support for these when people really have a look at what we are proposing, unlike

in the past when draconian measures were taken by a previous government, completely draining the EI fund, and then as part of the deficit reduction, when they just drained the fund. We have brought in policies that have stopped that.

I would say, honourable senators, in answer to Senator Cordy's question, that people will see that the changes we are recommending are in the interests of all Canadians, including those in Atlantic Canada.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Wallace, for the third reading of Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons).

Hon. George Baker: Honourable senators, I will say just a couple of words on this piece of legislation. First, I congratulate all members of the Senate who participated in the deliberations before the committee.

We had Mr. Chen before the committee. Mr. Chen was the grocer who chased down a person he believed had robbed his store. Of course, a law is being changed with this bill, and it is a rather extraordinary change we are making, but I think everyone agrees with it because of the public mood on it. I think there are some inherent dangers, honourable senators, in this bill, although we all agree that the substance of the bill is appropriate given the circumstances. The problem with it is that a citizen's arrest is now being enlarged so that an arrest can be made by a citizen of someone who has committed an offence, but the arrest need not be made while the offence is taking place or immediately after the offence has taken place. We verified in the committee, and everyone agreed, all the legal experts and even the police, that this was giving more power to a citizen than to the police upon arrest. That is the extraordinary part of the bill.

A police officer is not allowed to arrest someone who has committed what is called a summary offence, relatively minor in nature, or an offence for which the person could be prosecuted summarily or indictably, after the fact. That is what the law says as far as the police are concerned. The law as far as the ordinary citizen is concerned was similar in nature. In other words, the arrest could only be made while the offence was being committed. In other words, in the case of the grocery store, if the grocer saw the person stealing something and then arrested them as they were leaving the facility, or a security guard arrested them as they were leaving without paying, that was the existing law.

• (1450)

In this situation, the thief, we will call him — convicted a thief after the incident and received 90 days in jail — came in one day and stole some plants. Then he went home. The grocer saw him, and then the same person came back later on riding a bicycle and dressed in other clothes. Then, of course, the grocer took chase with other employees and tracked him down. Some physical altercations took place. They tied up the thief, rope around his ankles and his arms, and then threw him in the back of a van. The van was then stopped by the police as it was turning in a direction different from where the police were.

How did the court find the grocer, Mr. Chen, innocent of the offence? It is rather puzzling. Given the facts, how could the grocer have been found innocent of the offence?

The court made some very interesting observations. Perhaps I should read into the record some of what the judge felt about this in the beginning. I will read just a couple of paragraphs.

At paragraph 7, of *R. v. Chen*, 2010, Carswell, Ontario, 10187, the judge states:

From my perspective, relative to the serious criminal cases that stream through this courthouse, this one is a relatively mundane matter . . .

Even from 3,000 miles away, the *Vancouver Sun* noted: "The case has captivated Toronto with most observers demanding to know why an honest grocer struggling to make a buck and protect his merchandise has become a target of punishment."

By any measure this case has legs. It has and continues to fan widespread controversy. One cannot escape it. It has lit up radio talk shows; newspapers, television, the internet have kept this story in the public consciousness for the months leading to the trial. Even on the subway recently, elbows away from me, two individuals were in heated discussion over it.

By the time it reached the courtroom, it had graduated to what the French call a *Cause Célèbre*. And in like manner as the Dreyfus Affair, modern day Emile Zolas have mounted the barricades with their own versions of J'ACCUSE articles disseminated in almost limitless media vehicles.

While Zola was accusing the French Army High Command of obstruction of justice, here the accusations are directed at the Toronto police for stupidity and lack of judgment. . . .

Then it goes on. He says at paragraph 13:

Equally and in a similar vein as the demand for Capt. Dreyfus' return from Devil's Island, persistent voices have demanded a stop of the 'persecution' of Mr. Chen, this "innocent, hard working, honest, businessman." There is even now talk of amending the section of the criminal code on citizen's arrest.

Paragraph 17 states:

Into this caldron, masquerading as a courtroom, stepped in the witnesses.

The peripheral witnesses seemed to be the most affected. Some looked like they were headed onto the scaffold rather than witness stand. Others had persecution written all over them. One in particular thought his career was on the line. Certain police officers presented so meekly and spoke in such low non threatening voices that one wondered how they could project authority on the streets of Toronto if indeed that was their true demeanour.

It goes on and it then documents the 911 calls from people who said that an individual was being beaten up by up to four persons. They tied him up, placed him in the back of a white van and so on.

How did the judge get over this problem of the law? In other words, the law says a police officer can only arrest someone if they are found in the commission of an offence if that offence is minor in nature, a summary offence. How did the judge get over this?

The judge said at paragraph 49:

Accordingly, I find this is in fact the same transaction . . .

Just imagine, the offence took place, the thief left, came back on a bicycle later, clothes changed, in order to be then chased and arrested.

The judge said:

Accordingly, I find that this is in fact the same transaction, the same delict, separated only in time by the lack of carrying capacity on his bike and therefore meets the requirements of . . .

— a citizens' arrest.

Now, because of public pressure, we have a bill that allows a citizen or security guard to arrest someone for an offence that did not take place at the time that the arrest took place, but could take place at a time thereafter. That is the substance of the bill.

During a break at a committee meeting, after some of the witnesses were heard, we were having coffee in the room outside. Senator White was there, a man with great experience in the law, a former chief of police and Royal Canadian Mounted Police officer. The discussion with some of the employees of the Senate was about what was on television. From the description by the media, it concerned a grocer in a convenience store, and these thieves, two fellows, who came in with knives, and the grocer used bear spray. Perhaps honourable senators saw it on television. This was the discussion. The news story said that in fact he used the bear spray. Then he caught one of the robbers over the side of the counter and repeatedly spanked him on the behind with a closed fist.

Of course, on television one could see the grocer's wife assisting by coming out and kicking the head of the thief, but she had slippers on and I would say she weighed about 50 pounds soaking

wet. According to this bill before us, someone of very little weight and of gender could not be accused of an assault under those circumstances.

This was the discussion. I looked over at Senator White to see his reaction and he said, "Did you say bear spray?" The employee said, "Yes, bear spray." He raised his eyebrows, and I knew what he was raising his eyebrows about. I said, "Bear spray is illegal, right?" and he said, "Yes, it is; it is a prohibited weapon in Canada. Anyone using that against people will have to be charged."

I went to case law just to check it out, not that I distrusted him or anything. Then another senator — I think it was Senator Raine — asked, "Well, what can you use to defend yourself?" I think those were her words in the coffee room. What could be used? Senator White said that one cannot use something that is legal to use against bears against a person. That was his description, so I checked the case law and I found this. First, according to the law in Canada today, the reason bear spray is a prohibited weapon is section 84.1(1)(e) of the Criminal Code. This applies to anything a woman has in her purse.

There is a case of a store in Toronto that was selling pepper spray as protection products for women. The storeowner was charged for selling prohibited weapons. In the judgment of the court, the court agreed.

• (1500)

The court pointed out that a prohibited weapon means, under the Criminal Code, a weapon of any kind being used, or part of it being used, that is declared by order of the Governor-in-Council to be a prohibited weapon.

The prohibited weapon order number 1 of the Governor-in-Council declared this:

Any device designed to be used for the purpose of injuring, immobilizing or otherwise incapacitating any person by the discharge therefrom of

(a) tear gas, Mace or other gas, or

(b) any liquid, spray, powder or other substance that is capable of injuring, immobilizing or otherwise incapacitating any person.

That is hereby declared to be a prohibited weapon.

The defence in the case pointed out that there is an exception to that law, and that is under the Pest Control Products Act. The defence suggested one should look at the definition of a pest. The judge referenced it:

... "pest" means any injurious, noxious or troublesome insect, fungus, bacterial organism, virus, weed, rodent or other plant or animal pest, and includes any injurious, noxious or troublesome organic function of a plant or animal ...

Do honourable senators see what the defence was getting at? What is man?

Then the judge turned to the word "pest" in the French version. I had better mention for the quoting people, it is *R. v. Hutter*, 10 O.T.C. 210, Justice Reilly.

He says at paragraph 24 that "pest" is given the equivalent in French of "parasite."

Then he went on to describe what the definition of "parasite" was in the French text. He went through that definition of "parasite."

Then he came to the conclusion that it was so different from the English version of "pest" that he makes this comment:

It seems clear that bears and dogs do not fall within the French definition of "parasite", and their "control products" would not be subject to registration under the P.C.P.A. The rather intriguing difference between the French and English versions of the Act might lead some to the fanciful conclusion that anglophone bears and dogs are pests, but francophone bears and dogs are not. At least, they are not "parasites".

I am reading out all this just to illustrate that the law, as Senator White has pointed out, is not simple, but I will get to his point in a second. Then the judge goes on to point out that the department of agriculture had seen this problem in the Criminal Code and had amended the Pest Control Products Act to register a number of bear- and dog-control products.

I then kept searching, because I wanted to know whether Senator White was correct. By the way, the pepper spray that is sold to women for protection purposes shows on the label a woman spraying a semi-clad man who appears to have been forced to the ground. The label reads "Super Potent aerosol defence weapon. Stops attackers cold."

The back of the packaging has an illustration of the same devices that are exhibits 3 and 5, and as well an illustration of a woman spraying a man with the direction "Spray directly into eyes and face of assailant." The label on the back reads in part,

Pepper gas . . . instantly effective . . . non-lethal . . . has been proven superior to mace-type products . . . in that it will control drunks, psychotics, attack dogs as well as drug abusers and multiple attackers.

I went to find whether Senator White was correct. Sure enough; you never question an experienced police officer.

In *R. v. Weston*, 2008 SKPC 83, canister of bear spray or bear deterrent, paragraph 6:

A canister of bear spray or bear deterrent, it's a restricted weapon unless used for the purpose of bears. When used against people it would be a restricted weapon.

That is exactly what Senator White said.

The importance of all of this is that when someone sees on television the use of bear spray by a grocer and everyone says it is a marvellous idea, there should have been some follow-up to say, "It is a restricted weapon. You will be charged if it is found in your possession if it is for people and not bears." However, it related to the case we were handling.

Honourable senators, the major problems I have with this bill are two things. First, the law says that if you are arrested unlawfully, if you are not told the reason for your arrest and given rights to counsel, then you have a right to defend against that person. You have a right to use force, even if it is a police officer let alone a citizen.

Here I refer to *R. v. Wrightman*, 2004 ONCJ 210, at paragraph 13:

A scuffle ensued and Kelly kicked one of the officers. In acquitting Kelly, the trial judge ruled that the failure of the police to advise Kelly of his rights under Section 10(b) entitled him to resist arrest.

Then quoting:

A person is not obliged to submit to an arrest if he does not know the reason for it. It is, accordingly, essential that he be informed promptly or immediately of the reasons.

Then Justice McLachlin is quoted at paragraph 16:

The right to be promptly advised of the reason for one's detention embodied in Section 10 (a) of the Charter is founded most fundamentally on the notion that one is not obliged to submit to an arrest if one does not know the reason for it.

The cases go on and on of violence being used by someone being arrested under the citizen's arrest provisions. *R. v. Bailey*, 2011 ONCJ 69, paragraph 37:

The Ontario Court of Appeal has recently dealt with the issue of the right of a citizen to resist an unlawful arrest in *R. v. Plummer*: . . . That case involved an unlawful arrest of a cab driver, who engaged in a "scuffle" in resisting his arrest. Justice Rosenberg deals with the issue as follows . . .

Because there was no power of arrest, the arrest of the appellant was unlawful. . . . a person is entitled to resist an unlawful arrest . . .

Further, in attempting to arrest the appellant without legal authority, the officer unlawfully assaulted him.

The cases go on. If you look at *R. v. Wolver*, this is recent, 2011 ABPC 308, it says:

In *R. v. Milino* . . . the trial Court found that when a woman responded to an unlawful arrest by kicking an officer in the groin, that she used no more force than was necessary.

Here we have this new arrest provision by citizens, to arrest not just when the offence is taking place, which is the power of a police officer, but now to conduct an arrest over a reasonable period of time after that took place. That person doing the citizen's arrest does not know what Senator Dagenais knows, or Senator White, about the proper way of arresting people. That person being arrested by a citizen's arrest has the right by law to resist that arrest and to use as much force as is necessary if those rules are not carried out properly.

• (1510)

There is one other thing that goes with that, which raises my suspicion about this particular bill, and that is that the Law Reform Commission of Canada in 1983 — I remember it well; I was a member of Parliament at the time — came down with a report on people who were unjustly imprisoned. The report said that eyewitness accounts are inherently unreliable. Every court since then has repeated that phrase. The Supreme Court of Canada said Eyewitness accounts are inherently unreliable." You cannot just go on an eyewitness account — you cannot — in arresting someone.

Add that to the fact that a person can legally resist an arrest with force, and there is the potential of a very serious mistake in passing this legislation, although we all agree with passing it. Why do we agree? Because the remedy section of the Canadian Charter of Rights and Freedoms, section 24, says that any evidence that is found in violation of the Charter — if your Charter rights have been violated — will be excluded from trial if, in fact, it would bring the administration of justice into disrepute. What is the definition of "administration of justice into disrepute"? Disrepute by whom? The citizenry of Canada. The reasonable person in Canada. The reasonable person in Canada is demanding that this law be changed.

Honourable senators, with the institutional memory I have going back many years, I remember in 1993 when we passed two laws in response to some major drug cases in this country, where the Supreme Court of Canada said — I forget the names of the cases, but they will come to me — that the police do not have a right, as an investigative measure, to put cameras inside people's bedrooms, homes and hotel rooms to gather evidence. They need a warrant.

There were three or four other cases similar to that. We brought in a law. It was an election year. We brought in a law that enacted 487.01 of the Criminal Code, which says that a warrant can be issued if no other provision in the law would allow that warrant to be issued and, if the warrant were not issued, it would violate a person's search rights under section 8 of the Charter.

In 2004, we added to that production orders. People who use text messaging on their phones in Canada, the power of those warrants on suspicion — let me read something for the benefit of the record. This is a recent case, less than a year ago, with TELUS Communications, a text messaging outfit — excuse the language — that has these phones. I have never text messaged. I do not know how to do it, but I have used email. Emails are the same thing. With respect to iPads, the same thing applies.

TELUS brought an application to the court to allow for the police and anyone else who is issuing production orders to pay for the cost of the production of the orders because it was costing them

millions of dollars. I will read one sentence from *R. v. TELUS Communications*, 2011, Carswell Ontario 1331, paragraph 2:

Telus has received on the order of **ten thousand** search warrants and **production orders**. Only six have been in the form of this General Warrant.

Ten thousand search warrants and production orders for one company. There are several companies that operate emails, iPads and text messaging. The interesting part of it, honourable senators, is this, and I did not realize it. Back in 1993, another law we passed was section 184 of the Criminal Code, tapping a phone. It gave the police the power to tap a phone without a warrant on what is called by police officers “exigent circumstances.” Senator Dagenais and Senator White in their previous lives would know everything about exigent circumstances.

That is what we did in 1993, together with this general warrant provision that allowed the police to do anything as long as they could not find a place to do it under any law. The result was 10,000 search warrants in the case of TELUS. One can imagine all the other telephone companies. Warrants for what? Production orders would be issued to a justice. What is a justice? It is not a judge. It could be a provincial court judge, but our understanding is of a justice of the peace. It could be issued to a peace officer. What is a peace officer? A peace officer is a mayor. A peace officer is a reeve. A peace officer is defined under section 2 of the Criminal Code as practically anyone with any authority. A pilot on a plane is a peace officer, according to our Criminal Code. We allow these things to be done. Why? Because of public pressure, election year.

Here is the problem. We regard interference with private communications as being a very serious matter. Section 186 of the Criminal Code says a warrant is needed. However, does that apply to text messaging? Does that apply to the Internet? Does that apply to an iPad? No, it does not. Why? The same reason that TELUS received 10,000 of these requests last year. All of that material that one puts into a text message — let me just read it from the court judgment so honourable senators will believe it.

This all relates to the point concerning this bill, by the way. Here is the description at paragraph 9 from the case of *R. v. TELUS Communications Limited*:

Text messaging (known more formally as Short Message Service (“SMS”)) is a form of communication service using standardized communications protocols and mobile telephone networks to allow for the exchange of short text messages from one mobile phone device to another.

Text messages are always delivered using a cellular phone network. However, many phone companies now permit the initiation of text messages using the Internet. . . .

The same problem, though, arises.

Today, many people use text messaging as a means of communicating. The popularity of text messaging, particularly as opposed to voice telephone calls, has risen steadily in the past decade. Text messaging tends to be a less expensive alternative to voice calls, particularly during peak daytime hours. . . .

When a cellular phone is turned on, it is constantly exchanging information with a cell phone tower over a pathway called a control channel. The control channel also provides the pathway for the SMS messages.

When the send button is pressed on the mobile device, the text message (SMS) is sent to the cell tower emitting the strongest signal, and then routed to a Mobile Switching Centre (“MSC”). The MSC is the servicing switch, which is the computerized mainframe to the network where the mobile device is registered.

Located within the MSC is a Short Message Service Centre (“SMSC”). A SMSC is responsible for handling the SMS operations of a wireless network. The SMSC utilizes routing engines for the forward capabilities of SMS services. When the message is received at the SMSC, the SMSC will use routing engines to attempt to deliver the message to its destination.

Where the destination phone is not available (for example, if it is turned off or does not have service reception), the text message will remain in the TELUS SMSC until the recipient phone is available. If the recipient phone has not become available within five days, then TELUS will delete that message from its SMSC. In those circumstances, the sender does not receive a message from TELUS that the message was not delivered.

• (1520)

. . . all text messages are routinely copied and stored in the database. . . . In this regard:

(a) all text messages sent by a TELUS subscriber are copied when they arrive at the TELUS SMSC and the copy is forwarded to the database;

That is what all of these 10,000 production orders were for — on suspicion. When you read the law on this, it is on suspicion. The same thing applies to emails and to your iPhone. What if someone is using his or her phone innocently and that message goes to someone who maybe communicated with someone who is being investigated? All of that record is supplied by a production order that we allowed when we instituted this law — when the public demanded that it be instituted to assist the police.

I looked at this in 1993, and we did not really object. We were the government. We really did not object to it, but we said, “Look, be very cautious of this.” Guess what? A month ago, the Supreme Court of Canada struck down section 184.4 of the Criminal Code that allows the police to tape private telephone conversations on an exigent basis without a warrant. The court struck it down less than a month ago.

However, it did not strike down section 487.01 of the Criminal Code, because it has never been tested by the Supreme Court. I am hoping that some young active lawyer will, one of these days, have the nerve to take it on if, in fact, they can get it to the Supreme Court and test the constitutionality of that provision.

Honourable senators, I would like to read something to you that pertains to this Senate and pertains to the great job that Senator Di Nino did on this bill, because he covered all the bases in the bill. Here is why it is important. The Supreme Court of Canada made this judgment less than a month ago; it is *R. v. Tse*, 2012 CarswellBC 985.

The court, in looking at the constitutionality, said it is unconstitutional. Then, in declaring its unconstitutionality, they had to have a test. As a part of the test, they always turn to the intention of Parliament. When the Supreme Court of Canada turns to the intention of Parliament, as they did less than a month ago and declared this unconstitutional, where did they go? Did they go to the House of Commons? No, of course they did not. When did they ever go to the House of Commons to find out the intention of Parliament? They go to the speeches that are given in the Senate by the person sponsoring the bill on behalf of the government. They go to the Standing Senate Committee on Legal and Constitutional Affairs, if it is that committee, or some other committee, as they did less than a month ago in declaring this unconstitutional.

Under the large heading of "Intention of Parliament," they mention the Senate three times — the House of Commons not once — in searching for the intent of Parliament.

I will quote from paragraph 28:

It is clear from the overall context of the provisions in Part VI of the *Code* that Parliament intended to limit the operation of the authority under s. 184.4 to genuine emergencies. Evidence before the Standing Senate Committee on Legal and Constitutional Affairs was that this emergency power was necessary for "hostage takings, bomb threats and armed standoffs"; to be used "only if time does not permit obtaining an authorization"; and for "very short period[s] of time . . .

That was evidence before the standing committee of what — the house? No — the Standing Senate Committee on Legal and Constitutional Affairs.

It continues:

... to stop the threat and harm from occurring": *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, No. 44, 3rd Sess., 34th Parl., June 2, 1993 . . . situations where "every minute counts" and that the provision was "necessary to ensure public safety": *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, No. 48, 3rd Sess., 34th Parl., June 15, 1993 . . .

Then, the Supreme Court of Canada said that it would declare that section 184.4 of the code, as enacted, is constitutionally invalid legislation and suspended this declaration of invalidity for a period of 12 months.

The Senate will now receive a bill from the government within this 12-month period to try to rectify this problem that was created back in 1993.

[Senator Baker]

I want to congratulate Senator Di Nino for the good job he has done in outlining the purpose of the bill and explaining the immediate necessity and purpose of the legislation to try to short-circuit some of the problems I have raised here today. Senator Di Nino has certainly covered all of his bases.

I recall once meeting a rabbi in an airport out east. The rabbi said, "Senator Baker, I would like to introduce myself. I am a good friend of Senator Di Nino. Do you know him?" I said, "Yes, I certainly do."

About three weeks later, I was introduced to a new priest coming to central Newfoundland. I was introduced to this new priest of the Roman Catholic Church by the existing priest, who said, "This is Senator George Baker, very well known in this area." The new priest immediately interrupted and said, "Do you know Senator Di Nino?" I said, "Yes, I certainly do."

"Well, he is a fine gentleman. What did you say your name was?"

To cap it all off, and this is all a fact — and Senator Di Nino knows it — I was at an occasion in which a member of the clergy of the United Church was being honoured.

Senator Di Nino: Lovely lady.

Senator Baker: Yes, wonderful lady. She was in a wheelchair at the time. She is recognized everywhere as one of the nicest and best people and best members of the clergy that people have ever met. She came over in her wheelchair and said to me, "Senator Baker, I have a very good personal friend in the Senate, and I want to tell you that he is a great man." I said, "Stop it for a minute. Let me guess. Senator Di Nino." She said, "How did you know?" I knew because I had spoken to Senator Di Nino previously, that he had known this person there.

• (1530)

In conclusion, Senator Di Nino has certainly covered all of the bases on this legislation in this place. From the looks of it, he has not only covered all his bases in this place, but he has covered his bases on the road to a higher place.

[Translation]

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak at third reading of Bill C-26, regarding citizen's arrest and the defences of property and persons.

[English]

This bill amends sections of the Criminal Code to authorize property owners to carry out a citizen's arrest, within a reasonable time, of a person whom they find committing a criminal offence on or in relation to that property. It also seeks to clarify and update provisions of the code that deal with self-defence.

[Translation]

I support Bill C-26. However, there are three main observations I would like to bring to your attention, honourable senators, in response to the study conducted by our committee: that one of the

bill's clauses promotes gender stereotypes; that the bill does not take into account the confusing and impractical elements of section 494 of the Criminal Code; and that the state must ensure that individual rights guaranteed by the charter are respected, even when functions of the state are delegated to private citizens.

My first observation has to do with paragraph 34(2)(e) of the bill. I quote:

In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors . . . (e) the size, age, gender and physical capabilities of the parties to the incident;

Honourable senators, why is the gender of the parties to the incident a factor in deciding whether the act committed is reasonable?

[English]

In addition to the size, age, gender and physical capabilities of the parties to the incident, clause 34(2) of the bill also considers "the nature of the force or threat," whether the use of force was imminent and whether "there were other means available to respond to the potential use of force, the person's role in the incident, the use of a weapon, the relationship and history of the interaction between the parties, the nature and proportionality of the person's response, and whether the act committed was in response to an apparently lawful use or threat of force.

While there are often fundamental differences of physical size and strength between the sexes, these differences are already ostensibly considered; size, age and physical capabilities are also listed among the factors.

The inclusion of "le sexe" among the factors, where it is intended only to represent biological differences, would be at best redundant.

The French version of the bill, as I have already noted, reads "le sexe . . . des parties en cause." The English version, however, does not cite the sex of the parties to the incident as a factor. It specifies that the gender of the parties to the incident should be considered. As honourable senators know, in English, "sex" and "gender" mean two different things. The inclusion of gender or "le sexe" among the factors, rather than connoting fundamental biological differences between the sexes, suggests cultural or social distinctions. It is an extension of the gender stereotyping that furthers systemic discrimination.

Honourable senators, gender should not be used in our bills. This is exactly the kind of discrimination that section 15(1) of the Canadian Charter of Rights and Freedoms seeks to extinguish. We would all be mindful of our responsibility as legislators to represent and advance the core Canadian values that the Charter represents, equality rights among them.

Superintendent Greg Preston, who represented the Canadian Association of Chiefs of Police at our committee hearing, testified regarding the inclusion of gender among the factors to be considered:

I will be very honest. I was quite surprised to see that listed. . . . I thought of size and age, and physical capability

was added, but those are all relevant considerations. By itself, I am not sure how gender would assist. . . . Gender by itself really should not be a consideration, by itself. It is the other aspects that one looks at.

Honourable senators, as Minister Nicholson indicated when he appeared before the committee, the list of factors included in clause 34(2) is not exhaustive. That does not change that including the sex of the parties to the incident among the factors to be considered perpetuates a stereotype.

The physical capabilities of the parties, the relationship between the parties, battered wife's syndrome, factors other than sex included in clause 34 provide opportunity for discretion and due consideration of these kinds of particular circumstances.

The minister indicated that the government "was not trying to limit the factors to be considered," and that the factors should be "as expansive as possible." Regardless, honourable senators, there is no reason for this bill to promote gender stereotyping, indirectly or otherwise.

My next point is on indictable offences versus offences punishable by way of summary conviction.

[Translation]

My second observation has to do with subsection 494(1) of the Criminal Code and the category of the offence committed.

[English]

Bill C-26 does not address subsection 494(1) of the Criminal Code, which reads:

Any one may arrest without warrant

(a) a person whom he finds committing an indictable offence; or

(b) a person who, on reasonable grounds, he believes

(i) has committed a criminal offence, and

(ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.

Honourable senators, as you are aware, offences can be tried summarily or by indictment. The difference involves a considerable degree of nuance. While many criminal offences are also hybrid offences — offences that may be treated as either indictable or summary, subject to the discretion of the prosecutor — the legislative text creating the offence is generally what determines whether the offence is indictable, summary or hybrid.

The difference between an indictable offence and a summary offence is far from readily apparent. There is no obvious difference of the type or kind between the two categories.

As the Supreme Court of Canada said in *R. v. Macooh* [1973]:

... the division which currently exists in our law between indictable offences and other categories of offence only very imperfectly reflects the severity of the offence.

Honourable senators, my concern is this: How will a private citizen, even if this legislation is passed, know whether they are legally permitted to perform a citizen's arrest? This was among the concerns raised by Superintendent Preston. This legislation was intended to clarify the legal context in which a citizen may perform a citizen's arrest.

During our committee's hearing, Rick Woodburn, President of the Canadian Association of Crown Counsel, commented regarding the distinction between categories of offences:

I am not really sure a lot of times. It is funny to say that, but, when you look at a hybrid offence or a straight indictable offence, we are all looking at our code sometimes. Depending on what you catch them doing, it would be difficult.

These are the words of a Crown counsel who represents the government, a person who should know the difference between indictable and summary offence.

Paul Calarco, a member of the Canadian Bar Association, a lawyer, further commented regarding the ability of the citizen to distinguish categories of offences:

There is great concern. I think it is impossible for the citizen to know, and you also have to distinguish between 494(1) and (2). Subsection 2 permits the arrest without warrant of a person found committing a criminal offence on or in relation to the property. A criminal offence is wider than an indictable or a hybrid offence, as the case may be.

This can create a great deal of confusion; there is no doubt in my mind about that.

• (1540)

Honourable senators, even if this bill should pass, the citizen would need to first establish in the heat of the moment, acting instinctively, whether the offence they are witnessing is an indictable or a summary offence. As Joseph Singleton, a homeowner who had been a victim of a break and enter, testified in front of the committee regarding the bill:

... I feel that undefined grey areas still exist. ... upon hearing a startling noise or seeing something out of the ordinary, a concerned citizen or homeowner would instinctively investigate to protect their property, to quell curiosity. ...

Honourable senators, it is not reasonable to expect the citizen or homeowner to investigate by first verifying with their easily accessible copy of the Criminal Code to ensure that the offence they believe to be witnessing is indeed an indictable offence. When a person feels threatened, they act instinctively. This bill fails to remedy this reality.

[Senator Jaffer]

Let me provide honourable senators with an example, one that Superintendent Preston highlighted during his testimony, which reasonably corresponds to the example of a startling noise or something out of the ordinary that Mr. Singleton referenced. Section 177 of the Criminal Code reads as follows:

Every one who, without lawful excuse, the proof of which lies on him, loiters or prowls at night on the property of another person near a dwelling-house situated on that property is guilty of an offence punishable on summary conviction.

I repeat: "an offence punishable on summary conviction," honourable senators.

Let us assume that the property in question does not belong to the person who witnesses the offence. Maybe the person is visiting a family member, socializing at a friend's place or staying with a neighbour. This hypothetical case is an example of self-defence, not defence of property.

Some of us in this chamber are trained lawyers and, in the heat of that moment, when some unidentified person is prowling outside, perhaps even fearful for our loved ones' safety, we might forget what exactly section 177 says regarding whether night prowling is an indictable offence or a summary offence.

There is no provision in Bill C-26 that addresses this confusing and impractical element of the Criminal Code, nor the contradiction between subsections 494(1) and (2).

[Translation]

The third point I would like to raise is the following. The Charter guarantees have to be considered in the context of all arrests.

Last Thursday, our committee received a written submission from Abby Deshman, Director of the Public Safety Program at the Canadian Civil Liberties Association

[English]

The Canadian Civil Liberties Association's submission was received toward the end of our committee's deliberations, but I believe it raises some very pertinent points regarding the maintenance of universal individual rights and freedoms. I will share an excerpt from their letter:

As purely "public" entities are supplemented or replaced by private bodies, we must be vigilant to ensure that individuals' fundamental rights, those which protect them against excesses that may accompany the concentrated power typically wielded by government actors, remain meaningful when faced with corporate entities exercising coercive powers initially defined and delineated by the state. ...

The Alberta Court of Appeal has consistently held that the citizen's arrest power is a delegation of a government function and therefore subject to the *Charter*. The power to arrest — to physically detain another private individual contrary to his or her wishes — is an extraordinary coercive

power that is overwhelmingly reserved for government actors. It is granted by the government in order to preserve public order of the “Queen’s peace.” Arrest powers are delegated to private individuals in a narrow set of circumstances. Police officers may exercise this power in a wider range of contexts. In both cases, however, the authority to restrict the freedom of another individual flows directly and solely from the state. The fact that the arrest may be initiated by a private individual as opposed to a state employee does not change the core governmental nature of this activity.

[Translation]

There is a serious deficiency in the legislation before us. Jurisprudence is not definitive on the issue of applying the Charter in the context of a citizen’s arrest.

[English]

As Ms. Deshman argues, however, we must be very clear in stating that the Charter applies in all circumstances.

This legislation seeks to establish an appropriate legal context for the delegation of a state function to private citizens. There are significant legal and training deficiencies, however. This bill neglects to ensure at all times the maintenance of all citizens’ Charter rights. More importantly, however, private citizens to whom the arrest power has been delegated in this bill likely do not possess the appropriate — may I have five more minutes, please?

Hon. Senators: Agreed.

Senator Jaffer: — appropriate policing and legal training to ensure that Charter rights are consistently respected and protected. As Ms. Deshman writes:

Charter guarantees . . . should be considered in the context of any arrest, detention or search and seizure — regardless of whether the actor is a police officer, private security guard, or independent individual.

Honourable senators, I support the principle and overall intent of this legislation. I believe, however, that the following points should be kept in mind: that Parliament must ensure that legislation does not promote gender stereotyping; that existing sections of the Criminal Code, namely section 494, which specifies that the offence must be an indictable offence, require further clarification and practical consideration; that arrest power is fundamentally a government function that must only be delegated to citizens in extraordinary circumstances; and that individual rights as entrenched in the Charter must be protected in all circumstances.

[Translation]

Hon. Joan Fraser: Honourable senators, I would like to raise just two points in this debate. Before I begin, I would like to commend all those who spoke before me.

[English]

The quality of their interventions has been remarkable, and I think all three of them have made very important points.

I want to address two points. The first has to do with the citizen’s arrest provisions of this bill. I believe that there is, in fact, less to the provisions of this bill than the public eye has seen in them.

It is widely believed that the case of Mr. David Chen, to which reference has been made, was the spur for this bill to come forward at this time. As Senator Baker noted in quoting from the judge’s decision, that case became a matter of great public interest and, indeed, of public outrage. I would commend to all of you the decision of the judge in the *Chen* case. It is absolutely fascinating. It is completely free of legal gobbledygook. Anyone can read it, even me. It makes some very important points in connection with this bill.

There were essentially two big issues that the judge addressed, only one of which, in my view, is addressed by this bill. The first was the question to which Senator Baker referred of whether it was all right for Mr. Chen to apprehend the thief some time after the theft had been committed, when he had a chance, when he saw him again. The judge, as Senator Baker said, solved that particular problem by saying it was all part of the same offence. The bill has clarified that judges do not have to stretch that far and that you can make a citizen’s arrest within a reasonable time after the actual offence has been committed, so that will now be clear.

The second great issue, though, was whether Mr. Chen was guilty of forcible confinement and other things that he was charged with — his conduct after he and his friends apprehended the person that they were arresting, as honest citizens of Canada. Senator Baker referred to it: tying the man up, throwing him in the back of the van and driving away, or starting to drive away.

• (1550)

The judge did not really address that. The judge said, in almost as many words, that the testimony before him had been so conflicting and so contradictory that he could not know exactly what had happened or why and that, therefore, nothing had been proven and, in this country, one is innocent until one has been proven guilty. He was thereupon required to find Mr. Chen not guilty.

However, he then went on to say that if he were in Scotland, he would be able to say “not proven.” In Scotland they have this third possible verdict. One can be guilty, not guilty or not proven.

That was kind of interesting, and it left it all up in the air about the actual nature of Mr. Chen’s conduct. As I read this bill, I did not think it did anything at all to address that issue, which was in fact the issue that had caused the public outrage: Why was Mr. Chen being arrested?

When Mr. Chen appeared before us, he came accompanied by his lawyer, and I asked her if she thought this bill would protect Mr. Chen’s conduct, and her answer was no, she did not think so. I think she is right. I just wanted to make that point, in case any of honourable senators were talking with members of the public about the citizen’s arrest portion of this bill.

The other element I would refer to is the self-defence provisions. I was particularly anxious to have clarity on the impact of the proposed new self-defence provisions on what are often known as battered women defences, basically concerning spousal assault and to some extent dating violence, but mostly spousal assault.

This is a serious problem in this country, honourable senators. In 2010, police reported approximately 48,700 victims of spousal violence in this country and, if you hear people talk about the battered women defence, it is not because men are immune from spousal violence. Some men do suffer violence at the hands of their spouses, but women aged 15 and older in 2010 accounted for 81 per cent of all those police-reported victims.

Now, in the *Lavallee* case, to which Senator Di Nino and I think others have made reference, back in 1990 the Supreme Court addressed many of the myths about spousal abuse, spousal violence and self-defence arguments that could be brought in those cases by the abused spouse. Ms. Lavallee was a woman who had been repeatedly and severely abused, and one night her partner told her that later that night he was going to kill her, and she believed him, so she shot him, dead. This case went all the way to the Supreme Court, and it was a landmark judgment instructing courts to take into account expert testimony about the effect of being an abused spouse, a feeling of having nowhere to go, nowhere to turn, no escape, and sometimes being driven to commit very serious violence in order, one believes, to defend oneself, even if that defence is not specifically necessary because one is not being abused at that precise moment.

I was quite concerned about the impact of two of the factors that judges are told to take into consideration, because I wondered if they might be contradictory, and Senator Jaffer referred to these. In proposed section 34(2)(b), the judges are asked to take into account if the circumstances are appropriate, the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force. That was clearly the one that made me wonder if we were weakening the grounds of defence for battered women.

I was only partly assuaged by the existence of proposed section 34(2)(f) which says the judge should take into account the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat.

Therefore, I asked about how these two possibly apparently contradictory elements might play out. I asked officials from the Justice Department when they appeared before us how we should understand the interplay between these two things, and I think the answer that was given is worth reading into the record. It comes from Ms. Joanne Klineberg, Senior Counsel, Criminal Law Policy Section, Department of Justice Canada, who said:

Both of those factors are derived almost directly from the *Lavallee* case, which was the leading case from the Supreme Court.

For the first time, the Supreme Court gave an interpretation to the existing self-defence laws such that the situation of the battered woman could be taken into account. Essentially the court said that where battered

women's cases had previously not resulted in a successful self-defence plea was because the jury could not appreciate how a reasonable person in that woman's situation would not have left the relationship sooner, or how they might have perceived they were at risk. The most important thing the Supreme Court determined in that case was that whenever there is an aspect of reasonableness in the law of self-defence, it is important to consider the particular circumstances of an abused person — and the nature of their relationship — and attribute that to the reasonable person.

That is essentially what 34(2)(f) is trying to get at; in determining what is reasonable you would have to consider the history of the relationship. Another thing the Supreme Court decided in that case was it had previously been assumed — although it was never in the wording of the Criminal Code — that the imminence of the assault was a necessary precondition for self-defence to be successful. The court in that case said that is an assumption; the paradigm self-defence case is one where it is eminent.

The transcript says “eminent” but the word was in fact “imminent.” It continues:

However, a battered spouse situation is exactly one where the assault might not be imminent, but nonetheless the person would not reasonably feel themselves taking into account the history to have any option but to do what they did.

The factor that is enumerated as (b) was also specifically designed to reflect that aspect of the *Lavallee* case, by saying it is a factor to consider, the extent to which the attack was imminent, which in and of itself is meant to signal that imminence is not a requirement. If imminence were a requirement, it would be in 34(1) —

This is what Senator Di Nino referred to yesterday when he was setting out the act's absolute requirements for a self-defence.

— but because it is in 34(2) as a factor to consider, as opposed to a requirement of self-defence, it signals that imminence is a factor to consider and the person's perceptions about other options they might have had is also a factor to consider. I think our view would be that both of those factors are entirely consistent with the reasons of the Supreme Court in *Lavallee*.

Honourable senators, given that, as Senator Baker has so regularly instructed us, we know reference is sometimes made to debates in this chamber when thorny issues of law are being considered, I did think that was worth putting into the formal record of the Senate.

Hon. Serge Joyal: If there is time left, I would like to put a question to the honourable senator. Would a question be accepted?

Senator Fraser: With some trepidation.

Senator Joyal: Unfortunately, I was not here last night when Senator Di Nino made his comments in support of the report of the committee. I attended many of the committee hearings, and

I think it would be proper to put on the record the conditions this bill will create for the security agencies that are multiplying exponentially these days and the particular conditions under which they operate and the context in which this bill can be called into action.

• (1600)

We all know that many of the large department stores and shopping centres have security agencies monitoring the premises on a television set from a remote area, watching where customers and visitors move around. Once the person who is responsible for monitoring activities sees someone shoplifting, that person would contact an agent on the floor and give a signal to that person. For example, if it was someone with a red baseball cap, blue jacket and a pair of jeans, that description would be provided if that person was shoplifting a book, for instance, or a CD, to put it into plain terms.

The agent on the floor who did not witness that person shoplifting, but based his or her intervention on the description of the person as seen on a television set quite remote from the area, would try to intercept that person somewhere, either at the exit or by rushing the counter where the situation happened. In so doing, that agent would not give the person a warning.

Section 10(1) of the Charter prescribes any agent or person making an arrest, such as Senator Dagenais' or Senator White's people, must immediately inform a person of the reason why they are being arrested. This is a compulsory Charter obligation. If that warning is not given, the charge is dropped. I am sure Senator Dagenais could certainly tell us about many situations that have happened that way.

In the shopping centre scenario, we have an agent who does not inform the person immediately why they are being arrested. That information would be provided once a police officer is called to the premises; the police officer would then inform the person.

The reason that section of the Charter is so important is because it protects people from self-incrimination. A person not knowing why he or she is being arrested can incriminate themselves, thus of course not using the defence that is within his or her rights as provided for in the Charter.

In my opinion, this is a very important issue that we were informed of during the committee hearings. My colleague Senator Di Nino was there when we raised that issue.

I know that Senator Fraser's time has lapsed. Perhaps she could ask for five more minutes and she would be able to comment.

Senator Fraser: May I have five minutes, honourable senators?

Hon. Senators: Agreed.

Senator Joyal: I will conclude, honourable senators. Thank you for your leniency.

Could Senator Fraser determine how that concern of the members of the committee could be addressed and how it could find itself in the courts certainly sometime soon? This situation is now so common everywhere that sooner or later it will find its way to the courts, in my opinion.

Could the remarks made by the experts we heard from, especially the police officers, be shared with the chamber?

Senator Fraser: Indeed. As Senator Di Nino indicated yesterday, we did hear from one witness that there are now attempts under way for the federal and provincial attorneys general to figure out systems of regulation that would cover, among other things, this precise point. However, that only came from one witness. The same witness said that, in Ontario, it is already automatic for agents to read rights as soon as an arrest is committed.

Other witnesses, however, with experience in other provinces, were much less definite on this matter and did raise concerns. I think Senator Jaffer also alluded to these concerns in her remarks.

I think there was a sense among members of the committee, having heard the testimony, that it would be appropriate — and Senator Di Nino did allude to this yesterday — for the federal and provincial authorities to see if they could come together and agree upon standards that would ensure that everywhere in Canada private security companies and their agents are instructed in and required to respect the Charter.

One of the things that struck me was that although serious security companies do give some training to their employees, it did not sound to me as if it was very much. Sometimes it is one day; sometimes it is maybe a little more. However, it was nothing compared to the degree of instruction, for example, that police officers must undergo.

I do not think I am misstating the sense in the committee that there was some view that this was probably worth at least some federal-provincial exploration. I do not want to go any further than that because not all members of the committee wanted it to go further than that; some did. To the extent I have tried to indicate, there was a sense that this was at least a potential problem. If it exists, it is a serious problem. Clearly, Charter rights are among the most serious things that the country and Parliament could ever address.

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

POOLED REGISTERED PENSION PLANS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Stratton, bill placed on the Orders of the Day for second reading two days hence.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— CONSIDERATION IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole on the consideration of the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Revised Rules of the Senate*), presented in the Senate on November 16, 2011.

(The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Fernand Robichaud in the chair.)

• (1610)

[Translation]

The Chair: Honourable senators, the Senate is now in Committee of the Whole on the first report of the Standing Committee on Rules, Procedure and the Rights of Parliament, pursuant to order of the Senate of May 17.

The pages can provide you with copies of the *Journals of the Senate* containing the report.

[English]

The Committee of the Whole shall be conducted according to the following schedule today: For the first portion of this meeting, the committee shall consider Chapters Thirteen and Fourteen of the First Appendix of the report for a maximum of one hour. The committee shall then consider Chapters Fifteen and Sixteen and the appendices during the second portion of this meeting, for a maximum of one additional hour.

[Translation]

Lastly, during the third portion of this meeting, the committee shall consider its recommendation to the Senate as to whether or not the report should be adopted, for a maximum of 30 minutes.

Honourable senators, rule 83 states that:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

[English]

The Chair: As was the case last week, I would ask senators who intend to propose amendments to Chapters Thirteen or Fourteen to do so now. The final consideration of the amendments will be suspended until we are disposing of the appropriate chapter. This will ensure that the committee is seized of the amendments should we run out of time.

[Translation]

After receiving the amendments, we will debate the chapters. After debating the chapters, we will proceed with the motions required to dispose of them.

Honourable senators, are there any amendments?

[English]

Senator Tardif: Honourable senators, as we begin our third and last session in Committee of the Whole to review the report of our Rules Committee, there is one final matter I wish to draw to the chamber's attention, and that concerns how we deal with questions of privilege. There is an amendment I wish to propose to Chapter Thirteen, and I would ask the pages, please, to circulate the amendment.

As we are all aware, parliamentary privilege is part of the general public law of Canada and is recognized in the Constitution itself. It deals with the procedure, customs, practices and powers of each house and of its members. As described in Erskine May, "Parliamentary privilege is the sum of the peculiar rights enjoyed by each house collectively as a constituent part of the High Court of Parliament and by members of each house individually, without which they could not discharge their functions . . ." It is this "individual" aspect that I would like to focus on.

Under our current rules, if a senator wishes to raise a question of privilege, she or he would normally give written and oral notice as required by rule 43, and the matter would then be formally raised and discussed at the end of Orders of the Day. If there were no opportunity to give the written notice three hours in advance, as required by rule 43, questions of privilege have still been raised under the authority of 59(10). This was done most recently by Senator Ringuette only last week. That is the current situation.

The new proposed rules would make a substantive change to the current situation by requiring all questions of privilege, even those raised at the last minute, to be considered only after the Senate has concluded virtually all its other business or at 8 p.m., whatever comes first. In situations where something of significance arose at the last minute, the issue could only be discussed at the end of the day, no matter how important.

In my opinion, what is being proposed does not give questions of privilege that arise at the last minute the priority they deserve and which they now have. Consequently, I am proposing that the

report of our Rules Committee be modified so that all of us retain the right to raise questions of privilege that we become aware of too late to give the three hours' written notice.

I am proposing that a senator be able to raise such a question of privilege at any time except during Routine Proceedings, during Question Period, or during the taking of a vote, but at any other time one could rise to draw the attention of the Senate to a question of privilege that has just arisen. My proposal will also allow the question of privilege to be considered and debated at the time it is raised.

As is now the case, the Speaker would have the authority to at some point say that he has heard enough to consider making a ruling. The Speaker would also be able to defer further consideration of a question of privilege raised in this way, raised without notice, to later in the day, when questions of privilege are normally dealt with.

In seeking an amendment that would preserve the ability of all honourable senators to raise important questions of privilege at the last minute, I was also considerate of the need for us, as a chamber, to fulfill our legislative responsibilities. I believe the proposal I have had distributed and will now formally move strikes that balance. Therefore I move:

That chapter thirteen of the First Appendix of the report be not now adopted but that it be amended:

(a) by replacing paragraph (a) of rule 13-5, at page 117 of the Appendix (page 533 of the *Journals of the Senate*), with the following:

“(a) raise it during the sitting without notice at any time, except during Routine Proceedings, Question Period, or a vote, but otherwise generally following the provisions of this chapter; or”;

(b) by replacing rule 13-6(1), at page 118 of the Appendix (page 534 of the *Journals of the Senate*), with the following:

“Consideration of question of privilege

13-6. (1) Except as otherwise provided, or unless the Senate adjourns earlier, questions of privilege of which written and oral notice was given shall be considered as soon as the Senate has completed Orders of the Day, but no later than either 8 p.m. the same day or noon on a Friday.

EXCEPTIONS

Rule 8-4(1): Adjournment motion for emergency debate

Rule 13-5(a): Question of privilege without notice

Rule 13-6(2): When question of privilege without notice considered

Rule 13-7(2): Debate on motion on case of privilege”;

(c) by adding the following new rule 13-6(2), at page 118 of the Appendix (page 534 of the *Journals of the Senate*):

“When question of privilege without notice considered

13-6. (2) A question of privilege raised without notice shall be considered at the time it is raised, unless the Speaker at any time directs that further consideration be delayed until the time for considering questions of privilege of which written and oral notice was received. In this case, the delayed consideration shall be taken up before any questions of privilege of which notice was given.”;

(d) by renumbering current rules 13-6(2) to 13-6(4) as 13-6(3) to 13-6(5); and

(e) by updating any other cross-references in the report and its appendices, including the lists of exceptions, accordingly.

The Chair: Honourable senators, it has been moved by the Honourable Senator Tardif, seconded by the Honourable Senator Fraser, that Chapter Thirteen of the First Appendix of the report be not now adopted but that it be amended. Shall I dispense?

• (1620)

An Hon. Senator: Dispense.

The Chair: Are there any other amendments to be considered?

Senator Cools: Yes, Mr. Chairman. I would like to move an amendment to rule 13-1, the old rule 43. Perhaps I can move it and then explain it:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, Chapter Thirteen,

(a) on page 115, by replacing section 13-1 with the following:

“13-1. The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*. Action to ensure protection of the privileges of the Senate takes priority over every other matter before the Senate.”; and

(b) on page 121, by deleting subsection 13-7.(11).

Mr. Chairman, my amendment is highly nuanced. If we look at proposed rule 13-1, it reverses the order of the two statements to the original as it was in rule 43(1), if we happen to have a copy of that before us. My concerns arise out of the fact that every time we have rule changes or amendments, the system seems to be that they become increasingly restrictive, reducing every time the powers and privileges of the senators. I thought that proposed rule 13-1 is the flagship statement, which should lead on setting the stage for the consideration of privileges.

If honourable senators look at it carefully, they will see that I am applying to rule 13-1 the notion that Senate privileges have their origins in the Constitution Act, 1867. I am putting that back in. I really do not understand why the proposed changes took it out at all. That is number one.

Number two, if honourable senators look at the proposed rule 13-1, they will also see it says:

The preservation of the privileges of the Senate is the duty of every senator and has priority over every other matter before the Senate.

My amendment will clarify that the priority is the action. Originally, the statement was action to ensure protection of the privileges of the Senate takes priority. I hope I can make it clear. I am reading directly from the old rule 43:

Action to ensure such protection takes priority over every other matter before the Senate.

That is quite different from the report's 13-1 saying that:

The preservation of the privileges has priority over every other matter before the Senate.

Action can only be taken directly by particular ways in the Senate, for example, by distinct motions. The two proposals sound the same and they sound very similar, but they are really quite different and remarkable.

The third very nuanced difference that would escape most eyes is, again, the statement of violation of the privileges of any senator. Proposed rule 13-1 says "affects all senators." That is incorrect. It does not matter if it affects a senator. It affects the privileges of the Senate. Honourable senators must understand that. My amendment will say "a violation of the privileges of any one Senator affects those of all Senators." It does not affect those senators; it affects those privileges of all the senators. These are three profound differences in these two drafts. I would ask senators to give mine careful consideration.

Mr. Chairman, I come back again to the example of the day of the Throne Speech, when we all watched with some consternation the events that were unfolding. I want to make the point again that this is the High Court of Parliament. The issue at the end of the day is the ability of the High Court of Parliament to defend itself or to defend any of its members. Really, it is all about the independence of the Senate.

We must understand that a movement into questions of privilege engages the plenitude of the full penal and judicial powers of the Senate. This power to defend itself is a contempt power held by every high court and it should never be weakened as it has consistently been weakened here.

The priority, honourable senators, is the key issue. Beauchesne and many others have said that it seems that the first duty of Parliament is to keep its privileges and no rule or standing order should restrain its conduct when it must vindicate its authority, especially in suddenly or recently arisen circumstances.

Mr. Chairman, I would like to put some authority for priority on the record. I would like to begin with some of our books of authorities. All our books of authorities have always informed that urgent, recently or suddenly arising questions of privilege may be moved — that is by motion, honourable senators — in both houses by motions with no notice and take precedence over all business.

John George Bourinot, in his 1916 fourth edition, *Parliamentary Procedure and Practice in the Dominion of Canada*, at page 292 said:

Notice of the motion is required, except upon questions of privilege. . . .

At page 302 he said:

Questions of privilege may always be considered in either house without the notice necessary in the case of motions generally."

Like words are found again in Arthur Beauchesne's *Rules and Forms of the House of Commons in Canada*, 1927, at page 117:

As a general rule every motion proposed in the House requires notice unless it is of a formal or uncontentious character, or raises a question of privilege.

Mr. Chairman, this assertion in rule 13-1 is critical and urgent, especially when one considers that last week this Senate agreed — and it will come before us for a vote later on today — that rule 59(10) be withdrawn and repealed because that was the classical motion that was used at all times. As a matter of fact, I shall argue later on today that its repeal was an enormous mistake. The real point is that priority means exactly that: urgently and suddenly.

My final authority in that region, two of them, Erskine May, in his *A Treatise on the Law, Privileges, Proceedings and Uses of Parliament*, in 1883, ninth edition, page 291, said:

It has been said that a question of privilege is, properly, one not admitting of notice: but where the circumstances have been such as to enable the member to give notice, and the matter was, nevertheless, *bonâ fide* a question of privilege, precedence has still been conceded to it.

Another one from Bourinot again, but a different book, Bourinot's work, *A Canadian Manual on the Procedure at Meetings of Municipal Councils, Shareholders and Directors of Companies, Synods, Conventions, Societies and Public Bodies Generally*, states at page 40:

A motion directly concerning the privileges of the house, which calls for its present interposition on a matter which has recently arisen, takes immediate precedence of all other business before the house, and is moved without notice.

Mr. Chairman, there is a second part to my amendment but I thought it was better to explain the first part first.

Part (b) of my amendment states:

(b) on page 121, by deleting subsection 13-7.(11).

Mr. Chairman, this will delete the section that denies a question of privilege priority. Rule 13-1 declares that the preservation of privileges has priority over every other matter of the Senate. Immediately we find in 13-7(11) that the priority is altered. It states:

If the Senate has to deal with an emergency debate or a question of privilege . . . it shall deal first with the emergency debate. . . .

Suddenly, the rule asserts that questions of privilege have no priority.

• (1630)

The Chair: You have used up your 10 minutes.

Senator Cools: That is fine, but proposed rule 13-7(11) essentially voids and disables the priority.

The Chair: Senator Cools, thank you.

We have a second amendment before us. It was moved by the Honourable Senator Cools, seconded by the Honourable Senator Moore:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 13 —

Shall I dispense? I think senators have before them a copy of the amendment.

Are there further amendments to Chapters Thirteen and Fourteen?

Senator Cools: Mr. Chairman, I have another one.

The Chair: I remind honourable senators that we have one hour for Chapters Thirteen and Fourteen, and each senator is allowed a period of 10 minutes.

Senator Cools: Mr. Chairman, I move:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 13, on page 121, by adding, after section 13-7, the following:

“13-8. The Senate has no power, by any vote or declaration, to create new privileges that are not warranted under the *Constitution Act, 1867* and the known laws and customs of Parliament.”.

Mr. Chairman, my amendment will add a new rule to state the well-established law that we cannot create any new privileges and that our Senate rules cannot amend the British North America Act, 1867, by any enlargement or diminution of our privileges.

Mr. Chairman, no Senate rule can increase or decrease the Senate's or any senator's privileges as these proposed Senate rules do. My amendment addresses the unwarranted expansion of the

privileges and powers of the Senate Speaker not granted or contemplated by the BNA Act, which granted no overlordship of one senator over another and no privileges or powers to the Senate Speaker to determine another senator's privileges or their exercise. All senators are equal and share equal privileges. No senator has any more or less or different privileges from any other senator. The Rules Committee's explanatory statement boasts of this enlargement in the Senate Speaker's role. The proposed rules to revise the *Rules of Senate* in the explanatory statement tell us this:

2-1(1): The Speaker shall

preside over the proceedings of the Senate;

That is new. I repeat that the committee tells us that this rule is new and acknowledges the primary function of the Speaker in guiding proceedings. The existing rules do not specify this fundamental rule.

Mr. Chairman, I ask honourable senators to consider the proposition — the fact — that the reason the current rules and no rules have ever specified this primacy is perhaps because there is no such primacy and because the BNA Act and the ancient *lex et consuetudo parliamenti* provide no power for Senate rules to do so. The Senate rules cannot exceed the BNA Act.

Mr. Chairman, I ask us to consider that what we are doing might be an exercise in Senate rules, doing forays into governance and rule making beyond the law. I caution senators that these excursions will lead to challenges in inferior courts, like the Supreme Court.

I would like to give very quickly some authority. Erskine May tells us in his 1893, 10th edition, at page 61, that:

. . . although either house may expound the law of Parliament, and vindicate its own privileges, it is agreed that no new privilege can be created. In 1704, the Lords communicated a resolution to the Commons at a conference, “That neither house of Parliament have power, by any vote or declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament;” which was assented to by the Commons.

I would like to put another authority on the record — the BNA Act. Last week, Senator Fraser noted that:

The law clerk was involved when we were considering matters of actual law. . . . However, the *Rules of the Senate* are the *Rules of the Senate*. They are not statute law.

I disagree with that, and I will state why. The fact is that section 5 of the Parliament of Canada Act states very clearly the following:

5. The privileges, immunities and powers held, enjoyed and exercised in accordance with section 4 are part of the general and public law of Canada and it is not necessary to plead them but they shall, in all courts in Canada, and by and before all judges, be taken notice of judicially.

About all of this, Joseph Maingot, in his book *Parliamentary Privilege in Canada*, second edition, writes under the heading, "No new privilege may be created by either House," at page 20:

Privileges are beyond the control of either the Crown or any single power other than the Parliament of Canada. Thus, no new privilege may be created by the House of Commons, by the Senate, or by the Crown, because a new "privilege" would be part of the general and public law of Canada, and only Parliament may enact such laws. Similarly, a privilege may not be diminished, prejudicially affected, or repealed save by express statutory enactment to that effect.

Mr. Chairman, the contemporary lawyer's position is articulated by Mr. Maingot:

It will be seen that parliamentary privilege is part of the general and public law of Canada, and that the courts may judicially take notice of and interpret it as they would any other branch of the law.

Mr. Chairman, the purpose of my amendment is to enshrine this fact in our rules so as to keep top of mind that the limit of our privileges is exactly that, the Imperial statute, the BNA Act.

One of my concerns, as well, has been the upgrading of the privileges of the Senate Speaker in respect of ruling on questions of privilege. Under rule 43(1) and previously, the increase in the Speaker's duties was not any increase in his privileges or any decrease in the privileges of a senator. That proposed change was by virtue of section 18 of our current rules, order and decorum, and that was an increase granted by virtue of an increase in his natural duties, shared equally by every single senator, shared with all of us, owed to the maintenance of order and decorum in the house. It was not intended to be an increase in privileges because there is no privilege that permits or allows any senator to engage in disorder or indecorum. If we look at rule 18, we will see all the issues about the Speaker are recorded there. These new proposed rules have galloped into an uncharted area, by actually giving the Speaker greater privileges than other senators, and I would submit that that is the first time ever. We should look at that with some care.

Mr. Chairman, I will close with that. There is much more to say. These issues are very difficult and very complex. I am open to argument.

The Chair: We have another amendment to Chapter Thirteen. It was moved by Senator Cools, seconded by Senator Moore:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended in Appendix I —

Shall I dispense?

Some Hon. Senators: Dispense.

The Chair: I will dispense.

Are there other amendments to Chapters Thirteen or Fourteen?

• (1640)

Senator Cools: Mr. Chairman, I move:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 13, on page 121, by adding, after section 13-7, the following:

"13-8. In accordance with the duty of every Senator to preserve the privileges of the Senate and those of any one Senator, and notwithstanding anything in these Rules, every Senator, as of right and privilege, may move a motion for a question of privilege with no notice."

I hope that was clear. I am trying to speak quickly. My natural tone does not lend itself to that.

Mr. Chairman, the Rules Committee claims that their new Chapter Thirteen on questions of privilege will integrate current rules 43 and 59(10). This is akin to breeding a horse and a donkey. The progeny is a parliamentary mule, a genetic non-starter. I shall show that the new Chapter Thirteen will be inoperable and unworkable without my amendment, which allows for a motion to be moved with no notice and is needed to move a motion if the Speaker finds, *prima facie*, under the new rule 13-7(1), the old rule 44(1) and (2).

Mr. Chairman, by necessity rule 59(10) has stood for well over 100 years as a considered judgment for use at times when a matter of privilege directly concerning the Senate has suddenly or recently arisen and requires urgent Senate action.

I will add some very quick history. A table officer appeared before the Rules Committee on March 20, 2007. He opined that there was conflict between the notice time in rules 43 and 59(10) because 43 required written notice and oral notice to raise a question of privilege and 59(10) required no notice. He opined that rule 59(10) reflected the pre-1991 rule 33, which rule 43 replaced, saying —

The Chair: If I may, please slow down a little bit for the benefit of the translators and reporters.

Senator Cools: I thank the Chair for that. It is difficult.

The table officer said:

In that context, the Senate's current rule 59(10), which was then rule 46(10), was coherent with the other rules. However, changes to 59(10) that were required by the addition of the process under rule 43 were not made. Since the amendments to the rules in 1991 were quite wide-ranging, this was not the only case of an oversight.

Claiming that the 1991 rule changes neglected to delete the now rule 59(10), he said:

In fact, it has no real force, no real substance behind it. It is an enumerated item that was overlooked in an editing process. . . .

You do not need rule 59(10). . . ; y omitting it, you lose nothing.

A concerned Senator Andreychuk said:

I do not know where you are drawing your authority from.

Offering her none, he simply repeated:

There is no loss.

Mr. Chairman, I submit to you that the 1991 rule changes were no oversight or negligence, and no one on that committee was negligent or demonstrating oversight.

I thought this Rules Committee's claim of senators' oversight and negligence is bad parliamentary form and bad parliamentary manners. It is a reflection on the good senators who led the 1991 rule changes, especially Senators Robertson and Murray, and our own esteemed and dear Senator Kinsella, who moved rule 59(10) in Senator Robertson's committee, and older Progressive Conservative senators like Orville Phillips. I think we can change rules without unseemly reflections on senators' pasts. I will show that rule 59(10) was no oversight and was a deliberate decision.

I note that the committee and the table officer did not consider rule 44 at all. This is telling because the two rules 43 and 44 were spliced out of the one rule 33, which the witness noted was coherent with rule 59(10). I shall trace rule 33's pedigree and destiny to show that in 1991, rule 59(10) was upheld because of its necessity to rule 44. Let us go to rule 44. To use the witness's words, rule 59(10) would be "coherent with" rule 44.

I will read the old rule 33 and compare it to the new 43 and 44. Old rule 33 said:

When a matter or question directly concerning the privileges of the Senate, of any committee thereof, or of any senator, has arisen, a motion calling upon the Senate to take action thereon may be moved without notice and, until decided, shall, unless the debate be adjourned, suspend the consideration of other motions and of the Orders of the Day.

All of those words, Mr. Chairman, were lifted right into the new rule 43 and new 44. This is an extremely important matter, and I have a whole list here of each set of words as they move from 33 into 43 and 44. The Rules Committee did not consider rule 44 at all.

If we go to rule 44, this is very important because the motion in rule 33 to be moved without notice shows up in rule 44. It is clear. Rule 44 follows a prima facie finding by our Speaker. Rule 44(2) says:

Such a motion can be moved only immediately following the Speaker's decision . . .

Mr. Chairman, a motion moved immediately is a motion moved without notice — no notice — which is rule 59(10).

Mr. Chairman, I am saying very clearly that all of rule 33 became 43 and 44. Rule 44(2)'s "no notice" motion was supported by rule 59(10). Remember, in the pre-system, rules 33 and 59(10)

existed together. Rule 59(10) represented an enumeration and classification, because in 1906, every single motion in the Senate was divided into three groups: those with no notice, those with two days' notice, and those with one day's notice. Rule 59(10) was in the no notice motions group.

Mr. Chairman, what we have been doing here is repealing 59(10), which is the power for that rule 44(2) motion, whereby a senator immediately following the Speaker's ruling, *prima facie*, may move a motion for a question of privilege.

Mr. Chairman, we have to understand that this took a high degree of ingenuity on the parts of Senator Robertson and others, and much thought. I used to discuss this a lot with Senator Phillips. The fact is that when they created that new *prima facie* process, they wanted to be sure that they were not encroaching on senators' privileges — that particular privilege of being able to move a motion directly. Therefore, they enlarged the power of the Speaker in respect of order and decorum, but not the power of individual senators, so that when the Speaker ruled on *prima facie*, that senator could then move his motion without notice.

There is great confusion and misunderstanding or whatever in this place about a question of privilege. I want to impress upon honourable senators that this is so important. Some months back, we left our Speaker exposed to many different kinds of liabilities because most of us no longer understand that each and every one of us had a duty at that moment to spring to our feet and move a motion because something was happening here and some sort of action was required.

Remember, speakers here and in the House of Commons can only act on orders of the house. The result was that we left our Speaker, a wonderful, exceptional human being, exposed to we do not know how many kinds of liabilities.

Mr. Chairman, I am trying to help honourable senators understand that Senator Brenda Robertson and some of those senators understood what was happening. Rule 59(10) has stayed intact as it is because if 59(10) did not stay in the rules, they would have had to attribute that grant of power to move that motion immediately after the *prima facie* finding to the permission of the Speaker. Therefore, by having rule 59(10) there, the power remains the privilege of the senator and not from the Speaker.

Right now, this chamber, either in this go-around or in some future court case, must wrestle with that fact.

• (1650)

I have shortened all my comments. I had this written out clearly. I have been condensing because the point is larger than myself, larger than me personally. This concerns all of us. I want you to know that I used to discuss this a lot with Senator Phillips because he served in this place when the old committee of privileges was the committee of the whole Senate.

Yes, those rules carried in 1991, but there were many knowledgeable Conservative senators at the time keeping some eagle eyes on this.

I am pleading with senators.

The Chair: Senator, your time has expired.

Senator Cools: I am sorry, senators, but I cannot be that articulate under these kinds of rushed conditions. These are important matters, and we are rushing these large matters.

The Chair: Is there further debate on Chapters Thirteen and Fourteen?

It was moved by Senator Cools, seconded by Senator Moore that:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 13, on page 121 —

Shall I dispense?

Some Hon. Senators: Dispense.

The Chair: I dispense.

Senator Tardif: Honourable senators, I wanted to point out that in the amendment that I put forward I have taken into consideration the last amendment that Senator Cools presented to us regarding the rights of senators. The amendment that I proposed and that has been duly presented does indicate and preserve the rights of senators to raise questions of privilege without notice. That is already in the amendment that you have received before you under 13-6(2) as well as new 13-5(a).

I wanted as well to make a few points regarding Senator Cools' statements. I always appreciate what she says, particularly in regard to questions of privilege. However, in regard to her comment that it appears we are giving the Speaker greater privileges and a greater role, I have had the opportunity to look at the *Debates of the Senate* relating to the amendment that we have moved on questions of privilege.

A careful examination of the Senate Debates, even prior to 1991, shows that senators had a general expectation that the Speaker would have an important role to play when serious questions of privilege were raised. That was even the case under the old rule. I believe it was the old rule 33 and the old rule 46 which indicated an expectation that the Speaker would rule and establish a prima facie case of privilege.

Of course that came forward in the debates, particularly in the debates on the GST in 1990. On September 25, 1990, Deputy Government Leader Senator Bill Doody raised a question of privilege concerning what had occurred during a meeting of the Banking, Trade and Commerce Committee, which was examining the bill to introduce the GST. He did not move a motion but at the end of his remarks said:

Honourable senators, I wish to say that, in the event that a prima facie case is made on a breach of privilege of honourable senators, I will be prepared to bring forward the appropriate motion at the appropriate time.

That can be found at page 2230 of the Senate Debates for that day.

Then Senator Royce Frith, the Deputy Leader of the Opposition, responded immediately, giving the reasons:

... that clearly justify Your Honour in finding that there is no prima facie case of privilege here in the chamber on proceedings that took place in the committee.

That can be found on page 2231 of the Senate Debates of that day.

As debate dragged on, Senator Frith said, at page 2239:

... Your Honour has a duty to decide when you have heard enough on this point of privilege to make up your mind as to whether a prima facie case is made.

Finally, at page 2246, Senator Allan J. MacEachen, the Leader of the Opposition, referred to procedure in both the House of Commons and the Senate and said:

Usually the Speaker adjudicates as to whether there is a prima facie case. If it is found that there is a prima facie case, it is open to the individual member or senator to put a motion. Ultimately the Senate or the House of Commons must decide whether, in fact, a breach of privilege has occurred. That is the procedure.

Not having the experience of Senator MacEachen, I am not prepared to question his assertion that "That is the procedure." However, in view of what was said by these distinguished parliamentarians more than 20 years ago, I think we can see that there was an expectation with regard to how questions of privilege have traditionally been dealt with in the Senate, particularly the view that the Speaker does have a role to play in a decision about whether a prima facie case has been made.

I would leave it at that and say that there has always been an expectation that the Speaker has a role to play. Even under our 59(10), there has always been the expectation that the Speaker would rule.

The Chair: I will recognize the following senators in this order: Honourable Senator Fraser, Honourable Senator Stratton and Honourable Senator Cools.

I remind you that at 5:11 p.m. I will put all the questions that are before us to dispose of Chapters Thirteen and Fourteen.

Senator Fraser: To take some of these matters in order, I seconded Senator Tardif's proposed amendment and I support it. I think that does restore, as many senators I believe wished, in very clear language, the right of the senator to raise a question of privilege without notice at any time after delayed answers and to have it considered at that time.

Senator Cools' first amendment on subsection (a) which refers to section 13-1 and discussion of the privileges of the Senate, I would submit that the existing proposal, section 13-1 in the proposed new version of the rules, covers all of the necessary elements. Her subsection (b) in that amendment, which would delete the last paragraph of Chapter Thirteen, has to do with the order in which matters are taken up. Our existing rules create potential collisions in that they say that various matters shall be

taken up at eight o'clock or at the end of Orders of the Day. They do not explicitly state which should come first, if there are occasions arising when more than one of these sorts of elements should be considered.

If you tease out the rules and the precedents and whatnot, you can come to the following conclusion, which is what the subcommittee and the committee did: First priority should go to a case of privilege. A case of privilege is what arises when the Speaker has found that there is a *prima facie* case.

Next, once you have disposed of the case of privilege, is an emergency debate because that is a reflection of a decision of the Senate taken that day, and, finally, a question of privilege, which is very important but is at that point still only the allegation of one senator. It is a very serious and important allegation, but it is neither a reflection of a decision of the Senate nor yet at the stage of being an established case of privilege.

I think it is unnecessary to say that the Senate has no power to create new privileges. I would draw to your attention the section of the Constitution Act that, according to the note I have here, says:

The Privileges, Immunities, and Powers to be held, enjoyed, and exercised by the Senate and by the House of Commons and by the Members thereof respectively shall be such as are from Time to Time defined by Act of the Parliament of Canada . . .

The Senate cannot alone pass an act of the Parliament of Canada, so I would submit that this proposed amendment adding a new section 13-8 is unnecessary.

Finally, the matter of moving a motion for a question of privilege with no notice is indeed a reference to very old practice, both in Westminster and here, where one would raise a question of privilege simultaneously with a motion. That has not been the practice here or in Westminster for many years. It is clearly established, and Canadian practice followed the shift in Westminster, that one can raise a question of privilege, but the Speaker must rule on it before it can go any further.

• (1700)

Erskine May Parliamentary Practice, Twenty-third edition, states in Chapter 10 at page 167:

. . . a Member who wishes to raise a privilege complaint is required to give written notice to the Speaker as soon as reasonably practicable after the Member has notice of the alleged contempt or breach of privilege. The Speaker has discretion to decide whether or not the matter should have the precedence accorded to matters of privilege . . .

That is to say, whether there is a *prima facie* case.

Erskine May in Chapter 12 at page 221 states:

The Speaker also decides whether a Member who has informed him of a matter of privilege should be allowed to table a motion which would take precedence over the orders of the day.

In other words, the Speaker has to decide the *prima facie* merits before a motion can take place.

Similarly, Maingot's *Parliamentary Privilege in Canada*, Second Edition, at page 220, states:

In the U.K. Commons, the Speaker will not entertain a debate on the matter raised as a "question of privilege" unless and until he finds a *prima facie* case of privilege granting precedence in debate.

Finally, I would refer honourable senators to Beauchesne's *Parliamentary Rules & Forms*. Citation 117 at page 29 of the sixth edition states:

(1) Once the claim of a breach of privilege has been made, it is the duty of the Speaker to decide if a *prima facie* case can be established.

I would submit that what we are proposing, in particular what Senator Tardif's motion proposes, is not as restrictive as the practice in Westminster but is a faithful reflection of long-established practice in this place. It was the mandate of the Rules Committee to try to do just that.

Senator Stratton: Two of Senator Cools' three amendments start with the preservation of the privileges of the Senate: "It is the duty of every senator . . ." I do not think there is anyone in this chamber who would disagree with that statement.

When we were looking at this, we tried to give it logical order. In other words, if we were going to deal with a case of privilege or a question of privilege, then it had to be dealt with in a logical order. We tried to preserve and give that logical order so that the question of privilege oral and the question of privilege written could be presented in the Order Paper so that we could deal with it without confusion. The current rules, as they are written, had that confusion. We wanted to clarify it and not demean or diminish the rights of any senator on a question of privilege. That was not the intent whatsoever and I do not think it is here at all.

Therefore, I argue that the amendments proposed by Senator Tardif are exactly as we originally intended when we looked at this and that we should pass these amendments from Senator Tardif.

Senator Cools: Mr. Chairman, most of the practice that Senator Fraser described is House of Commons' practice. The Senate, until 1991, remained a largely 19th century institution. I lived through those GST debates 24 hours a day, month after month, and a bitterness I hope never to encounter in my life again.

In respect of the then Senate Speaker about whom Senator Tardif is speaking, Liberals moved a motion of censure against that very same Speaker. Let us understand what we are talking about. The particular debate that she was speaking about, Liberals objected to very strongly. Had I thought that a Liberal Senate leader was going to raise that, I would have cited some of the debates. I have copious copies of debates, too, with Senator Frith and Senator Molgat heaping scorn and abuse on that whole situation.

Let us understand the process that Senator Fraser has described. Yes, it is highly restricted, but in the House of Commons they have the same rule such that a matter of privilege may be taken under consideration immediately. That rule has been in place in the House of Commons since pre-Confederation; but it has become highly restrictive and is something that we should not imitate.

The Senate never went down that road. During the GST debate, there was shouting and screaming; it was a terrible event. I have never felt in my life such fear as I did that night that people would hurt each other physically. That anger persisted for quite some time, even when Senator Robertson's rules were brought into this place. Liberals made a terrible mistake when they boycotted the Rules Committee on those rules.

I have a vivid memory of those events, which were aggravated after that big GST fight, when the then Liberal Prime Minister turned around and said that he would keep the GST and would not repeal it, as he said he would do.

Let us understand the very important point that if any senator moves a motion, then it should be under the power of that senator's privileges, and that is the point. The proposed rules reveal a terrible conundrum. The current rules say that once the Speaker has made a *prima facie* finding under rule 44(2), the senator raising the question of privilege may move a motion immediately. The new rules are classified as no notice, one day's notice and two days' notice; and that rule 44(2) motion is not reflected — that is the point I am trying to make, honourable senators. That is why rule 59(10) was upheld.

Every single motion has to be reflected in one of those three categories. When I examined those categories, I could not find that rule 44(2) motion in the new no notice motion group. One has to look through all of those rules. Is it then in a two-day notice or is it in a one-day notice? The motions group rule that could apply is the one day's notice group under any other substantive motion.

Any senator who employs that rule when a Speaker finds *prima facie* will find themselves challenged as to the authority by which they are moving that motion. It is unfair to put any Speaker in that position.

Mr. Chairman, that is what Senator Robertson did. She and her committee were very skilled. Remember, honourable senators, that I voted against some of those rules. In the context of a Senate Speaker's *prima facie* finding under rule 44, the committee was attentive that no one should ever accuse the Speaker of the Senate of granting permission to a senator for such a motion on questions of privilege. This is because no senator, no Speaker has any power over any other senator to grant permission to move this motion or any other motion. In that respect, we are all equal. The Senate rules have never provided for any superiority of privilege of one senator over another. Until now, the *Rules of the Senate* have given the Speaker additional duties; that is quite true. However, until now the Senate rules have never officially declared that the Senate Speaker has an overlordship over other senators.

• (1710)

I would like to remind honourable senators of a few facts of life. We have had in this place, for the last many years, a most judicious, most fair-minded, most unusual and most well-esteemed human

being in the occupancy of that chair, but we need not think that that will be a perpetual and permanent condition. Rules should look to the future, when individuals in that position may not be as decent and as honourable as the current Speaker. Rules should always be looking to the future for the mischief.

The Robertson people spliced these two rules 43 and 44 out of rule 33. However, the power of senators to act with or without the Speaker is our privilege. What happens if the Speaker is hurt by some terrible event here? We could not ask *prima facie* of him. We would have to act on the power of our own privileges to take action.

What I am trying to say is that we have a duty to protect our Speaker.

The Chair: I have to make everyone aware that we have used up the first hour of the debate.

[Translation]

We have arrived at the time provided in the Order of the Senate to examine Chapters Thirteen and Fourteen. Consequently, I must interrupt the proceedings to put all questions necessary to dispose of these chapters successively, without further debate.

I will put the questions in the order that these amendments apply to the rules before us.

[English]

Honourable senators, we are now disposing of Chapter Thirteen. The Honourable Senator Cools has moved, seconded by the Honourable Senator Moore:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted but that it be amended, in Appendix I, chapter 13,

(a) on page 115, by replacing section 13-1 with the following:

“13-1. The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*. Action to ensure protection of the privileges of the Senate takes priority over every other matter before the Senate.” and

(b) on page 121, by deleting subsection 13-7(11).

Is it your pleasure, honourable senators, to adopt this amendment?

Some Hon. Senators: No.

Senator Cools: Yes.

The Chair: The amendment is negated.

The second amendment that I bring to your attention is that it was moved by Senator Tardif, seconded by Senator Fraser:

That chapter thirteen of the First Appendix of the report be not now adopted but that it be amended:

— by replacing paragraph (a) of 13-5, at page 117 of the Appendix (page 533 of the *Journals of the Senate*), with the following:

“(a) raise it during the sitting without notice at any time, except during Routine Proceedings, Question Period or a vote, but otherwise generally following the provisions of this chapter; or”;

[Translation]

(b) by replacing rule 13-6(1), at page 118 of the Appendix (page 534 of the *Journals of the Senate*), with the following:

“Consideration of question of privilege

13-6. (1) Except as otherwise provided, or unless the Senate adjourns earlier, questions of privilege of which written and oral notice was given shall be considered as soon as the Senate has completed Orders of the Day, but no later than either 8 p.m. the same day or noon on a Friday.

[English]

EXCEPTIONS

Rule 8-4(1): Adjournment motion for emergency debate

Rule 13-5(a): Question of privilege without notice

Rule 13-6(2): When question of privilege without notice considered

Rule 13-7(2): Debate on motion on case of privilege”;

(c) by adding the following new rule 13-6(2), at page 118 of the Appendix (page 534 of the *Journals of the Senate*):

“When question of privilege without notice considered

13-6. (2) A question of privilege raised without notice shall be considered at the time it is raised, unless the Speaker at any time directs that further consideration be delayed until the time for considering questions of privilege of which written and oral notice was received. In this case, the delayed consideration shall be taken up before any questions of privilege of which notice was given.”

(d) by renumbering current rules 13-6(2) to 13-6(4) as 13-6(3) to 13-6(5); and

(e) by updating any other cross-references in the report and its appendices, including the lists of exceptions, accordingly.

Is it your pleasure, honourable senators, to adopt this amendment?

Some Hon. Senators: Yes.

Senator Cools: I abstain.

The Chair: The amendment is carried, with one abstention.

The next amendment before us is that it was moved by Senator Cools, seconded by Senator Moore:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 13, on page 121, by adding, after section 13-7, the following:

“**13-8.** The Senate has no power, by any vote or declaration, to create new privileges that are not warranted under the *Constitution Act, 1867* and the known laws and customs of Parliament.”

Honourable senators, is it your pleasure to adopt this amendment?

Some Hon. Senators: No.

Senator Cools: Yes.

The Chair: The amendment is negated.

Honourable senators, the next amendment before us is moved by Senator Cools, seconded by Senator Moore:

That the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament be not now adopted, but that it be amended, in Appendix I, chapter 13, on page 121, by adding, after section 13-7, the following:

“**13-8.** In accordance with the duty of every Senator to preserve the privileges of the Senate and those of any one Senator, and notwithstanding anything in these Rules, every Senator, as of right and privilege, may move a motion for a question of privilege with no notice.”

Honourable senators, is it your pleasure to adopt this amendment?

Some Hon. Senators: No.

Senator Cools: Yes.

The Chair: The amendment is negated.

Honourable senators, shall Chapter Thirteen, as amended, carry?

Hon. Senators: Agreed.

Senator Cools: No.

The Chair: Carried.

Senator Cools: On division.

• (1720)

The Chair: On division.

Honourable senators, shall Chapter Fourteen carry?

Hon. Senators: Agreed.

The Chair: Carried.

[Translation]

Honourable senators, we will now begin the second portion of our meeting in order to consider Chapters Fifteen and Sixteen and the appendices.

I would ask senators who intend to propose amendments to any of these chapters or appendices to do so now, if they wish.

The final consideration of the recommendations will be suspended until we are disposing of the appropriate chapter.

[English]

After receiving the amendments, we will then proceed to debate the chapters and appendices. After having debated the chapters and appendices, we will deal with the motions necessary to dispose of them.

Honourable senators, are there any amendments to Chapters Fifteen and Sixteen?

Senator Stratton: These amendments are to bring current or up to date rules that were changed by the Rules Committee some time ago but unfortunately were not able to be incorporated into the rules revisions that had been made. This is more a housekeeping item because these amended rules were adopted by the Senate some time ago.

I will read through the amendments that are proposed and have been approved by this house. I think the point has to be made that these amendments had been approved by this house, but to incorporate them into the current rules and revisions. Once having done that and I have read the amendments, I will go through an explanation for each.

That chapter fifteen of the First Appendix of the report be not now adopted but that it be amended by:

(a) by adding the following new rule 15-3(4), at page 130 (page 546 of the *Journals of the Senate*):

“Suspension of Allowances

15-3. (4) Where a finding of guilt is made against a Senator who has been charged with a criminal offence that was prosecuted by indictment, the Standing Committee on Internal Economy, Budgets and Administration may order the withholding of the payable portion of the sessional allowance of the Senator in accordance with rule 15-3(1)(a) as if the Senator were suspended.”;

(b) by replacing rule 15-4(1), at page 130 (page 546 of the *Journals of the Senate*), with the following:

“Notice of charge

15-4. (1) At the first opportunity after a Senator is charged with a criminal offence for which the Senator may be prosecuted by indictment, either:

(a) the Senator shall notify the Senate by a signed written notice that is delivered to the Clerk of the Senate, who shall table it; or

(b) the Speaker shall table such proof of the charge as the court may provide.”;

(c) by replacing rule 15-4(2), at page 130 (page 546 of the *Journals of the Senate*), with the following:

“Leave of absence for accused Senator

15-4. (2) When notice is given under subsection (1), the Senator charged is granted a leave of absence from the time the notice is tabled and is considered to be on public business during this leave of absence.”;

(d) by adding the following new rule 15-4(6), at page 131 (page 547 of the *Journals of the Senate*):

“Senate resources in case of leave of absence

15-4. (6) If a Senator is granted a leave of absence under subsection (2), the Standing Committee on Internal Economy, Budgets and Administration may, as it considers appropriate in the circumstances, suspend that Senator’s right to the use of some or all of the Senate resources otherwise made available for the carrying out of the Senator’s parliamentary functions, including funds, goods, services, premises, moving, transportation, travel and telecommunications expenses.”; and

(e) by updating any cross-references in the report and its appendices, including the lists of exceptions, accordingly.

To refresh your memories, if I may, the Rules Committee struck a subcommittee, of which I was a member, to look at these changes as a result of a court case that took place with respect to a senator. It always seems to come down to, really, that what we are dealing with is abuse. The real reason for most of these rules is for that reason.

You will notice when I read 15-3(4), when a finding of guilt is made against a senator, that the Board of Internal Economy may order the withholding of the payable portion of the session allowance. That is a big word, “may,” so I think that leaves it in the hands of the Internal Economy Committee, of which there are 15 members, to determine whether that is brought into effect or not.

The second is the 15-4(1): At the first opportunity after a senator is charged with a criminal offence for which the senator may be prosecuted, the senator shall notify the Senate by a signed written notice that is delivered to the Clerk of the Senate, who shall table it, or the Speaker shall table such proof of the charge as the court may provide.

That is an amendment that includes section (b) here that the Speaker shall table such proof of the charge should the senator not be able to do so for whatever reason.

The 15-4(2): When notice is given under subsection (1), the senator charged is granted a leave of absence from the time the notice is tabled and is considered to be on public business during this leave of absence. In other words, he or she cannot or does not attend the Senate sessions except for . . . and there are rules to that effect.

Last, 15-4(6): If a senator is granted a leave of absence under subsection (2), the Standing Committee on Internal Economy, Budgets and Administration may — and again, it is a big word, “may” — as it considers appropriate in the circumstances, suspend that senator’s right to the use of some or all of the Senate resources. Again, there are reasons for that that are historic, and I think it depends on the situation. In both cases, with suspension of any of these allowances, it will lie with the Committee on Internal Economy to determine whether or not that occurs.

That is essentially the summary, as best as I can recall, of the history of these amendments.

The Chair: Honourable senators, it was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Nolin, that Chapter Fifteen of the First Appendix of the report be not now adopted but that it be amended by — shall I dispense?

Hon. Senators: Dispense.

The Chair: All senators have a copy of the amendment, I take it.

Senator Cools: Honourable senators, if I have been following this correctly, the subject matter that has just been put before us is entirely new subject matter. My understanding is that we are operating under a particular order of reference. It is not clear from the order of reference what it was to study, but we are looking at the report of the Rules Committee. I would like to raise two questions.

• (1730)

My understanding is that we can only consider and study that which was referred to us in that order of reference. It is my clear understanding from what I am hearing and seeing that this proposal is outside and beyond our order of reference. It may be happy and nice that some people want to use this opportunity, but when I review the proposed Senate rules, all 174 pages of them — and a huge job it was — I could find no mention of this particular set. I just do not understand how a totally new set of unrelated amendments can be put before us whose subject matter we were not able to study within the order of reference and in advance of these meetings.

I think something is very wrong here. The subject matter before this Committee of the Whole, the order of reference, is the second report of the Rules Committee and we cannot stray beyond that order of reference. If Senator Stratton wanted such a reference, he could have moved a motion when the report was outside of

Committee of the Whole and before the Senate to ask for the extension. He cannot spring new subjects and new matters before this body.

This is what I mean, honourable senators, when I say that we are in the business of creating certain privileges for certain senators and not for others. I think the time is coming soon when we will have to deal with this and have some reckoning.

I would also like to inquire and include in my point of order that I have never in my life encountered a situation where the chair of a committee has been disinclined to sponsor and squire his own report through this house. My understanding is so different. I am trying to figure out why, for example, Senator Smith is not bringing forward these proposals rather than Senator Stratton. This is improper.

My understanding, honourable senators, is that this is not a subcommittee’s question; this is a committee question. My understanding is that when a chair abandons his report, it used to be called a disavowal. When a minister abandons his bill, it is a signal to the whole house to ignore it, and they call that disavowal or disownership.

I do not understand what is going on here, and we need some clarification. From where I sit, what is happening before us right now is quite out of order. It is not proper, and we should all take a moment to look at this within the body of the report that some of us spent months studying. It is pretty complicated and I do not mean to lay a burden on honourable senators, but this, to me, is out of order.

The Chair: Further comment on the point of order?

Senator Fraser: Just to confirm what Senator Stratton said in his explanatory remarks, this motion in amendment sets out rules that have in fact already been adopted by the Senate. I do not have the precise date in front of me; I think it was last fall. I am sure the table can provide the date if any senator wishes to have it.

In other words, what honourable senators see before them are rules that are now part of our existing rules. Clearly, the subcommittee was aware — because the original proposal came from the Rules Committee — that these rules were under consideration, but at the time that we did our draft report and when the Rules Committee was considering it, those rules had not yet been adopted by the Senate. Therefore, it was our view that it would be appropriate to wait until these rules about suspension had actually been adopted by the Senate before we put them into the draft report for a rewritten version of the rules.

I hope this is even partly clear. The main point is that they have in fact already been considered by and adopted by the Senate. Therefore, to put this amendment in force into the report now before us would simply be to complete, if you will, the original mandate of the subcommittee, which was vetted by the Rules Committee, that the proposed new version of the rules reflect the existing rules.

If we did not make this amendment, then the proposed new version of the rules would not in fact reflect all of the existing rules.

Senator Di Nino: Honourable senators, I think Senator Fraser has pretty well expressed what I was going to say. If I understood Senator Stratton correctly, I think the key words are that these are already part of the existing rules. We are not changing the rules; we are including them in the package that we are approving today.

We are not talking about changing the rules. They exist, but they exist, in effect, without having been incorporated in the rule book, if you wish. It makes sense that, as we are redoing the rules, these rules that have been approved by the Senate and exist as Senate rules be incorporated in the package called "the Rules of the Senate." I think that the point of order is not valid.

[Translation]

Senator Nolin: Mr. Chair, if you refer to the actual text of the order of reference, it concerns the existing *Rules of the Senate*. The existing Rules definitely include the consolidation of the *Rules of the Senate*, but also all Rules that are currently in effect. Therefore, the Rules currently in effect include the texts that were proposed through Senator Stratton's amendment. Accordingly, this is part of the existing *Rules of the Senate*.

[English]

Senator Cools: Mr. Chairman, I would like to take issue with the representations of the last speakers. If we were to abide by what they have said, any issue, any question, any matter to do with the rules that had already been adopted by the Senate, or any other matter as well — there is a word that means "on the bandwagon" here — could easily be brought here.

My understanding is that the only question, the matter before us, is our reference, which came here under the signature of the Chair, Senator David Smith, in particular this report, and the authors of the order of reference chose to include and referred the appendix.

Unless these matters are a part of those documents — and some of them are totally new rules — they are out of order. This Committee of the Whole is not a place for a convenient sort of one-stop shop for everything. If that were possible, every senator here could bring their little bundles as well. There is an order of reference before us and I think we have a duty to be loyal to it. I just do not like this kind of piggyback action.

One of the last interveners spoke about including this bundle in the package, so they admit that there is a different package from what we are considering here. They also spoke about including its inclusion. These are afterthoughts, and this is not in order.

In this place, some senators have better privileges and more privileges than others, and I am placing my objection strongly on the record, because this entire proceeding has been conducted as though it is a government issue, with everyone lined up between the two leaders. That is how it has been conducted, and I have problems with that. I think it is unhealthy for this system, and it is unhealthy for the Senate.

• (1740)

I would also tell you it is not senatorial because the characteristics of the Senate and senators are supposed to include a high level of intellectual activity and a high level of political and personal —

An Hon. Senator: Oh, oh!

Senator Cools: I did not insult you. You insulted this place. You brought this on yourself.

An Hon. Senator: Oh, oh!

Senator Cools: Exactly. He is the one who does it; he always begins things that he cannot end. We can talk about it. I was a deputy chair with him and I know.

I am saying to the chair that it is out of order and all of their arguments point to the same thing: It is for their convenience that they want this, but this matter was not put before us in the order of reference and that is my reference point.

Senator Stratton: I want to bring to your attention that this report on the revisions, the rewriting of the rules, was tabled in the chamber on November 16, 2011, nearly seven months ago — seven months ago. You have to realize that between November 16 and the time that we are talking about now, the amendments we are talking about regarding those that I have just put forward were passed in the interim by the Rules Subcommittee, by the Rules Committee and by this chamber. We are simply incorporating those subsequent rule changes into this document — straight and simple.

The Chair: Honourable senators, when I look at the document that is before us, rule 15-2 in the document before us deals with leaves of absence and suspensions. Chapter Fifteen then deals with sessional allowance, and then it deals with the time that a leave of absence should remain in force.

In my view, this is not a completely new matter that is brought before the Senate. This amendment applies to Chapter Fifteen and I would rule that this amendment is in order.

Are there further amendments? Is there further debate?

Some Hon. Senators: Question.

The Chair: Before I put this motion, are there other amendments? Seeing none, I will put the question. It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Nolin:

That chapter fifteen of the First Appendix of the report be not now adopted but that it be amended by —

Shall I dispense?

Some Hon. Senators: Dispense.

The Chair: Is it your pleasure, honourable senators, to adopt this amendment?

Some Hon. Senators: Agreed.

Senator Cools: Abstention.

The Chair: Carried, with one abstention.

In this hour, we have before us Chapters Fifteen and Sixteen and the four appendices. I want everyone to be clear on that.

Is there any debate on the subject matter that is now before us? If not, I will call the question on all of these chapters and the appendices.

Some Hon. Senators: Question.

The Chair: Seeing no senators rising to debate, shall Chapter Fifteen, as amended, carry?

Some Hon. Senators: Agreed.

Senator Cools: Abstention.

The Chair: Adopted.

Shall Chapter Sixteen carry?

Some Hon. Senators: Agreed.

The Chair: Carried.

Honourable senators, we are now disposing of the appendices. Shall Appendix I of the First Appendix of the report carry?

Some Hon. Senators: Agreed.

Senator Cools: No.

The Chair: Shall Appendix II of the First Appendix of the report carry?

Some Hon. Senators: Agreed.

The Chair: Carried.

Shall Appendix III of the First Appendix of the report carry?

Some Hon. Senators: Agreed.

The Chair: Carried.

[Translation]

The Chair: Shall Appendix IV of the First Appendix carry?

Hon. Senators: Agreed.

The Chair: Carried.

[English]

Honourable senators, we are now starting the final portion of the meeting to consider the committee's recommendations.

[Translation]

I was going a little too fast, honourable senators. It has been brought to my attention that I should have presented the motion.

[English]

Honourable senators, we have completed our review of the First Appendix of the report. Is it agreed that the First Appendix, as amended, carry?

Some Hon. Senators: Agreed.

Senator Cools: On division.

Senator Joyal: I have in my notes that Appendix IV has not been put to a vote. It is entitled "Procedure for Dealing with Unauthorized Disclosure of Confidential Committee Reports and Other Documents or Proceedings." It has not been put to a vote by the chair. Has it been included in other appendices? I do not see that as part of a report.

[Translation]

The Chair: Senator Joyal, I am told that it is Appendix IV.

Senator Joyal: It became Appendix IV, I see.

The Chair: Senator Fraser?

Senator Fraser: That was it.

The Chair: With your permission, we will simply ensure that we are on the right track.

Honourable senators, the experts are telling me that we can now move on.

[English]

Honourable senators, we have completed our review of the First Appendix of the report. Is it agreed that the First Appendix, as amended, carry?

Some Hon. Senators: Agreed.

Senator Cools: On division.

The Chair: Carried, on division.

[Translation]

I will now get back to where I was earlier. Honourable senators, we are now starting the final portion of the meeting to consider the committee's recommendations to the Senate on whether the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament should be adopted or not with amendment.

Are there amendments to parts of the report that the committee has not already discussed?

• (1750)

As this has been our practice, we can receive them and then have a general debate before the questions are put to a vote.

[English]

Senator Stratton: I will simply read the amendment, and then I have an explanation:

That the report be not now adopted but that it be amended by replacing its first recommendation, at page 412 of the *Journals of the Senate*, with the following:

"1. That the existing *Rules of the Senate* be replaced by the revised *Rules of the Senate* contained in the First Appendix to this report, including the associated appendices to the Rules, effective from September 17, 2012;"

That is an update from September 1. I think it is simply an administrative procedure to allow them a little more time to adapt to the revised rules.

[Translation]

The Chair: Copies of this amendment have now been distributed.

It was moved by Senator Stratton, seconded by Senator Nolin:

That the report be not now adopted, but that it be amended by replacing the first recommendation, on page 412 of the *Journals of the Senate*, with the following:

"1. That the existing *Rules of the Senate* be replaced by the revised *Rules of the Senate* contained in the First Appendix to this report, including the associated appendices to the Rules, effective from September 17, 2012;"

[English]

Senator Di Nino: If I understand this correctly, we are really saying that the implementation date of these new rules, if this amendment is approved, will now be September 17 instead of September 1, to allow administration some further time to be able to achieve that. Is that correct, Senator Stratton?

Senator Stratton: Yes; that is correct. Going back to when the report was first filed on Wednesday, November 16, 2011, we thought at that time September 1 was a decent deadline, not realizing that it would take seven months to get to this stage.

Senator D. Smith: I simply was waving earlier to second the motion from Senator Stratton.

Senator Cools: My reading of this is that it is not simply asking for the extension of the date of the implementation of the rules. This is a lot more than was in the original recommendation.

Perhaps, Mr. Chairman, we could have the original recommendation from the committee, because I am not sure that it is in order that the recommendation be altered here in this

body. It is in order for any committee or for any body to ask for an extension, but I have never seen it done by virtue of amending a recommendation in the report.

It seems to me that this is a decision that belongs to the whole Senate with an independent motion explaining the circumstances, which are very fair and valid. One cannot go around amending the major recommendations of the committee report like that. Perhaps, Mr. Chairman, you could read to us what the original recommendation said. My understanding of the original recommendation is that it was far more limited than that. I have no objection in principle that staff and whoever being given the time to do their work, but this amendment is really outside the mandate. It is outside the mandate of this Committee of the Whole. It seems to me that, again, this is another case of another piggyback.

I would like to know what the original rules report recommendation was because some are asking this Committee of the Whole to amend their original Rules Committee recommendation, whose recommendation was not made here, but was made to the house. An alteration of that recommendation is a matter between the Rules Committee and the whole Senate, not a committee of the Senate. There is something very wrong in all of this. In other words, the report of the Rules Committee was a report to the house. Our mandate extends only to what we were asked to do. Any questions like these should come from the chair of the committee to the house — not the Committee of the Whole, but to the Senate. One cannot shortcut through this Committee of the Whole. They are doing the one-stop shopping deal. It is not right, Mr. Chairman; it is very wrong.

I would like to know what the original recommendation said.

Senator Brown: We have had a couple of hard-working people, one from the Conservative side and one from the Liberal side, who I think have laboured on this thing for all the years that I have been here, which is about five and a half years now. We trusted them to do what they did, and I think that is why most of us are going to agree with what they have done and be thankful for the efforts that they made.

The Chair: Pardon me, Senator Di Nino. My apologies; the eyes in the back of my head did not recognize you, Senator Brown. Please, if you have any interventions by motion, let the people at the table know.

Senator Di Nino: Senator Robichaud, those of us who have seen you operate in the Senate for as long as we have know that you have many talents, including seeing from behind. We appreciate your comment.

I do not think there is a point of order here. Again, I stand to be corrected, but to me this is a very simple extension of a date that had been suggested for implementation, and because of the length of time it took for the report to be completed — and I would certainly agree with Senator Brown that it is an excellent report done in a very effective manner by a hard-working committee — the change from September 1 to September 17 is a simple change. However, in the final analysis, this is a committee of the chamber. This will go before the chamber for ratification. Therefore, the chamber will have its say at a later date. I do not believe there is a point of order.

[The Chair]

Senator Cools: Mr. Chairman, I have been able to put my hands on a copy of the original recommendation of the first report of the Rules Committee. It is remarkably different. The first report's recommendation articulated "That the existing *Rules of the Senate* be replaced by the revised *Rules of the Senate* contained in the First Appendix to this report, including the associated appendices to the Rules, effective from September 1, 2012.

• (1800)

There is nothing at all wrong with the Rules Committee seeking to extend the time. The "wrong" is in taking this route.

This Committee of the Whole, like the Rules Committee, reports to the house. This committee is about to make its report, and that Rules Committee, if it wants changes in its own report, particularly in its recommendations which were signed by its Chair David Smith, has to put that request to the Senate, not in this Committee of the Whole, but in the Senate in its full body of powers.

Honourable senators, we have a lot of "if certain people propose it, it is fine and dandy" and "if certain people do it, it flies." I have no interest in any of this, but I do have an interest in this institution. I think we have a duty to proceed according to established forms of proceeding and established custom.

The custom is that when a committee wants an extension of time for any one of its projects, it comes to the Senate. It does not go to another Senate committee. Therefore, just as the chair who signed the report would not go to the Social Affairs Committee or any other Senate committee it should not come to this Senate Committee of the Whole. The request for this extension should be properly placed by the chair to the Senate.

This is just a shortcut; the whole thing has been a series of shortcuts — 173 pages of rules.

I hear people complaining about seven months being a long time. Let me tell honourable senators that it is nothing. One can go back into the record and see rule changes taking place over years, for anyone who cares to read those records. Seven months is nothing in terms of a measure that touches as many issues as this and that is as comprehensive and as large as this.

The proper thing to be done is for Senator Smith, whose report it is — who signed it under his signature — to go to the house and ask the house to extend the date from September 1. That is the proper way to do it. If not, why cannot anyone else come in here and ask for shortcuts? Well, only some can. This is what one would call one-stop shopping — everything in one motion. It is unfair, improper and it is not worthy of us.

Senator Fraser: Mr. Chair, I do not believe this is a valid point of order. By my count, we have already amended the appendix to this report, which is part of the report, at least four times. For greater certainty, I would read into the record subparagraph (g) of the order of reference referring this report to this Committee of the Whole.

Subparagraph (g) states:

after completing its consideration of the First Appendix of the report at the end of the third meeting —

— that is, today's meeting —

— the committee shall consider its recommendation to the Senate as to whether or not the report should be adopted, with amendments if appropriate . . .

That is precisely what we are considering now. We have been authorized to consider amendments to the report. I think this is a reasonable amendment that the staff will probably need quite desperately.

[Translation]

Senator Nolin: Senator Fraser just brought up what I believe is the most important argument. I do not believe this is a valid point of order because there is an amendment before this committee related to a fundamental aspect of the report, namely, the implementation date of the Rules.

The Chair: Seeing no one else who wishes to speak, this amendment is properly before us, simply because the report in question states:

[English]

1. That the existing *Rules of the Senate* be replaced by the revised *Rules of the Senate* contained in the First Appendix to this report, including the associated appendices to the Rules, effective from September 1, 2012;

[Translation]

The only thing that the amendment before us states is that the Rules will be effective from September 17, 2012.

If there is no further debate, is it your pleasure, honourable senators, to accept the motion in amendment currently before us?

Hon. Senators: Agreed.

The Chair: Carried.

[English]

Senator Cools: On division.

The Chair: On division.

The Chair: Honourable senators, we are now proceeding to the last part of this whole exercise.

Is it agreed that the report be amended by updating any cross-references, including the list of exceptions, according to adopted amendments?

Hon. Senators: Agreed.

The Chair: Carried.

Senator Cools: On division.

The Chair: On division.

[Translation]

Honourable senators, in addition to the amendments passed today, I would like to remind you that we have already passed some amendments to the First Appendix to this report, which contains the revised Rules. The committee will not pass them again, but for the sake of clarity, I will remind you that the amendments passed during the past two committee meetings are as follows:

[English]

Changes were made to rule 2-5(3) respecting the length of bills for appealing a Speaker's ruling; second, the specific wording of the motion for strangers to withdraw in rule 2-13(1) was restored to its current form; third, rule 4-13(3), dealing with the reorganizing of government business, was modified; fourth, rule 9-6(2) was eliminated and rule 9-6(1) accordingly became rule 9-6.

[Translation]

Rule 12-4 was amended to clarify the role of the Selection Committee.

Permission was also granted to update the references and the list of exceptions accordingly.

[English]

We will proceed to the final question now. Shall the report, as amended, carry?

Some Hon. Senators: Agreed.

The Chair: Carried.

Senator Cools: On division.

The Chair: On division.

Honourable senators, pursuant to the order adopted on May 17, 2012, the result of the committee's work shall be reported to the Senate with the recommendation to adopt the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament, along with the proposed amendments, as soon as convenient.

Senator Di Nino: Bravo.

Some Hon. Senators: Hear, hear.

[Translation]

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

BUSINESS OF THE SENATE

ADJOURNMENT

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move the immediate adjournment of the Senate.

(The Senate adjourned until Wednesday, June 13, 2012, at 1:30 p.m.)

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Wednesday, June 13, 2012



The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, June 13, 2012

The Senate met at 1:40 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE ROSE-MARIE LOSIER-COOL

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Losier-Cool, who will be retiring from the Senate on June 18, 2012.

I remind honourable senators that, pursuant to our rules, each senator will be allowed only three minutes and they may speak only once. However, if it is agreed that we continue our tributes to Senator Losier-Cool under Senators' Statements, we will, therefore, have the balance of the 30 minutes for tributes, not including the time allotted for Senator Losier-Cool's response. Any time remaining after tributes would be then used for other statements.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I rise today to bid farewell to our colleague, Senator Rose-Marie Losier-Cool, who is taking her leave of the Senate next week. Senator Losier-Cool is many things: a proud Acadian, a respected educator, a strong advocate for the advancement of women, a truly dedicated parliamentarian and much, much more.

During her time in the Senate of Canada, she has conveyed to all honourable senators just how deeply she takes the responsibility of each of these roles. I had the great pleasure of serving on many Senate committees alongside Senator Losier-Cool, and we shared a lot of common interests, especially when it came to the advancement of women.

Just over 17 years ago, in March 1995, Rose-Marie Losier-Cool was appointed to the Senate of Canada by the former Prime Minister, The Right Honourable Jean Chrétien. Since that time, she has worked hard on behalf of the people of her home province of New Brunswick, and particularly Tracadie, in both this chamber and on Senate committees. Of course, I have fond memories, a few years ago, of attending a large celebration, in Tracadie, of Acadians at an Acadian conference, where Acadians came from all over the world. If my memory serves me correctly, Senator Losier-Cool's husband's mother is a LeBreton, and there were certainly a lot of LeBretons at that event in Tracadie.

One of the responsibilities in the Senate that Senator Losier-Cool took very, very seriously and did a great job on was as chair of the Standing Senate Committee on Official Languages.

During two separate time frames, from 1999-2002 and from 2006-10, Senator Losier-Cool served as Speaker *pro tempore* in this chamber, working in the latter period alongside her fellow New Brunswicker, Senator Kinsella. It is a true testament to the senator's character, judgment and temperament that she was reappointed to this important position on several occasions. As Speaker *pro tempore*, Senator Losier-Cool always showed tremendous respect towards senators on both sides of the chamber.

She had a great respect for the rules which govern this place and adhered to these rules diligently. It is a difficult job and one that she handled with great courtesy.

Honourable senators, I would be remiss if I did not point out that Senator Losier-Cool was the very first woman to hold the position of Chief Government Whip in the Senate, and she leaves the Senate at a time when that role is once again held by a woman, our colleague Senator Marshall.

As a former opposition whip myself — and we worked together on many things — I can sympathize wholeheartedly with her responsibilities in that particular role. You really have to have been whip to understand.

Senator Munson: Yes, you do.

Senator LeBreton: Senator Munson concurs.

It is a unique position, and it is a position on which everyone has a comment or an opinion at one point in time or another. You learn to live with that.

Senator Losier-Cool, as you take your departure from the Senate, I would like to extend my personal best wishes and the best wishes of my caucus colleagues to you — although, knowing you, you are not going to be retiring — to your family, especially the LeBretons in your family, and to your children and grandchildren. We will miss you, Senator Losier-Cool.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is with some emotion that I speak today to pay tribute to our dear colleague and friend, the Honourable Rose-Marie Losier-Cool, on the occasion of the end of her outstanding career in the Senate.

Senator Losier-Cool is a remarkable, great and proud Acadian woman who is caring and smart. She is a highly regarded colleague who deserves our respect and our deep gratitude. This great parliamentarian has a deep sense of fairness and humanity, and her accomplishments and innovative ideas have enriched our institution.

Senator Losier-Cool was appointed to the Senate by the Right Honourable Jean Chrétien in 1995 and served as the very first female Government Whip from 2004 to 2006, and as Speaker *pro tempore* of the Senate from 1999 to 2002 and from 2005 to 2010, with much diplomacy and diligence.

She sat on the Standing Senate Committee on Official Languages, the Standing Committee of Selection, the Standing Committee on Foreign Affairs and International Trade and the Standing Committee on Human Rights.

Senator Losier-Cool is a deeply committed woman who courageously defended the causes that are dear to her heart, such as advancing education in French, eliminating poverty in our country, developing bilingualism and achieving better representation of women in all spheres of our society.

I am especially touched, Rose-Marie, by your generous contribution to the Standing Senate Committee on Official Languages. You have been a member of the committee since you were appointed to the Senate 17 years ago. As a Franco-Albertan, I sincerely thank you for your invaluable contribution, your conviction and your strong commitment to advancing the language rights of official language minority communities.

Dear Rose-Marie, your career in the Senate is coming to an end. The scope of your actions and your involvement in the Network of Women Parliamentarians of the Assemblée parlementaire de la Francophonie, among other organizations, have contributed greatly to raising the profile of the Senate, not only here in Canada, but elsewhere in the world. You continue to inspire us all. Through your contribution to our democratic institutions you are leaving a remarkable legacy for generations to come.

Dear Rose-Marie, I wish you much happiness and good health in this next phase of your life and many wonderful years shared with your loved ones.

Hon. Andrée Champagne: Honourable senators, of everyone here on both sides of this chamber, I am probably the one who will miss Rose-Marie Losier-Cool the most.

Since arriving here in 2005, I have had the opportunity to sit with my Acadian colleague almost every week at meetings of the Standing Senate Committee on Official Languages.

• (1350)

We worked together on all of the reports that the committee presented to the Senate over the years. To make sure we did our job well, at her instigation, we travelled to virtually every corner of her northeastern New Brunswick peninsula, where we met many of the Acadians to whom we owe a great debt with respect to the survival of the French language in Canada. Rose-Marie, we loved visiting the school that you went to as a child and returned to later as a teacher.

My husband is Acadian. His family, the Savoie family, is from Lamèque Island, which is almost connected to the peninsula. He has always gotten on well with your husband, who is just as Acadian despite his Cool surname.

[Senator Tardif]

Rose-Marie has also been a very important member of the Assemblée parlementaire de la Francophonie. We have her to thank for creating the women's network that she chaired from 1997 to 2011. That is one of the reasons she was promoted to the rank of Commander of the Ordre de la Pléiade at the 2010 General Assembly in Dakar, Senegal. The Ordre de la Pléiade promotes La Francophonie and intercultural dialogue. Women parliamentarians from many different countries brought the house down that day, as I mentioned during the Pléiade evening held by the Canadian branch in Ottawa some months later.

I will always remember that evening in Dakar. After the dinner and ceremony, we both left the tent and went to sit on a big rock by the sea. As long as I live, I will treasure the secrets my colleague shared with me that evening.

Dear Rose-Marie, you deserve all the tributes being paid to you today. My few words have but one purpose: to assure you that our friendship will continue. We will never go to Acadia without stopping by, and we expect that you will not come to Montréal without visiting us.

I never thought that I would thank God for the Internet, but it will allow us to keep in touch. For some time, Will has been talking about playing a round of golf with Sébastien. We can only hope that his health will soon allow him to do so. Rose-Marie, you and I could be their caddies.

I wish you both good health, and may you enjoy the time ahead of you. Once again, a big "thank you" for all the work you have done over the years. I look forward to seeing you again.

Hon. Maria Chaput: Honourable senators, I would like to pay tribute today to an honourable senator, a woman for whom I have a great deal of affection and admiration, Senator Rose-Marie Losier-Cool.

She is a proud Acadian, a distinguished woman who is a good listener, someone who is always available and never keeps track of the number of hours she works.

I pay tribute to her convictions, her determination, her commitment, her wisdom and her zest for life.

Senator, I have had the privilege of benefitting from your advice, support and collaboration, both in the Senate and in committee. When I arrived in the Senate, you were the Chair of the Standing Senate Committee on Official Languages, which had just presented its report, *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*. You were the driving force behind that report. You carried out your various roles and responsibilities in the Senate with great dignity.

You made a significant contribution to improving Canadian society, at both the national and international levels.

Among other things, you provided unconditional support to the international women's network and to official language minority communities. You never forgot your Acadian roots, and Acadians will always have a special place in your heart.

My dear friend Rose-Marie, I will truly miss you.

But you deserve a wonderful retirement with your husband Will, surrounded by your family and friends. Goodbye and thank you.

[English]

Hon. Nancy Ruth: Honourable senators, Honourable Senator Losier-Cool, it saddens me to see you go because yours is a voice full of feminist passion conditioned by sophistication. Yours is a voice that knows the world is international and interconnected and travels to know and speak in it. Yours is a voice of power that speaks for the powerless. Yours is a voice of love that cares for the unlovable. Yours is a voice that considers the inconsiderable and pushes forward. Yours is a voice that challenges corruption and weeps at injustice. Yours is a voice that leaves this place, but never to be silenced. Thank you for all you do and have done. *Merci et bonne chance.*

[Translation]

Hon. Marie-P. Charette-Poulin: Honourable senators, I rise to pay tribute to my seatmate, Senator Rose-Marie Losier-Cool, who is retiring next week.

She and I have come full circle in this chamber. When I was appointed to the Senate in 1995, I sat directly behind her. Rose-Marie already had six months of experience as a senator. Today, I have the pleasure of sitting beside her. Yes, we have been very close for 17 years, but in many ways, our connection goes back much further than that. We are both francophone women who represent a francophone minority in our respective provinces, and although our provinces do not share any geographic borders, we are closely connected by common concerns and interests.

Honourable senators, we know that one of the strengths of the Senate lies in its representation of the regions and of minority groups. Senator Losier-Cool energetically represented New Brunswick, Acadians, francophones and women in the Senate. But first and foremost, she represented children who go to school in minority communities.

A teacher by profession, she taught the senators and thus Canadians about the history of French-language education in New Brunswick and its important contribution to the province's and the country's cultural and economic well-being. I believe that it is important to point out that Rose-Marie's vision for French-language education and bilingualism extends beyond her own region.

As she so aptly put it in a recent speech in this chamber:

I have long believed that all Canadians should speak both of our country's official languages as a way to open twice as many doors and to experience twice as much culture. If the rest of Canada followed New Brunswick's example, all Canadians would be much more engaged with the rest of the country and the whole world.

I would like to take this opportunity to congratulate Rose-Marie, who recently received the New Brunswick Francophone Teachers' Association Award of Merit — the highest honour given by the

association — for over 30 years of teaching, her years in the Senate and her regional and international contribution, including the fact that she was the association's first female president in 1983.

• (1400)

Last month in this chamber, she named some remarkable Acadians who had benefitted from French-language education in New Brunswick. The list included the former Governor General, the Right Honourable Roméo Leblanc, as well as the former provincial premier, the Honourable Louis Robichaud, both of whom were also senators. This list of distinguished Acadians would not be complete without the name of Senator Rose-Marie Losier-Cool.

Bravo, Rose-Marie, and above all, thank you!

Hon. Jim Munson: Honourable senators, it is with great pleasure and a great deal of emotion that I rise to pay tribute to Senator Rose-Marie Losier-Cool and to thank her for her enormous contribution to the Senate of Canada and the Canadian people.

[English]

Rose-Marie, before your appointment in 1995, you had been a teacher in my home province of New Brunswick for more than 33 years, including 20 years at a French high school in Bathurst, a corner of the country I know and love well. I know your deep connection to Acadians, their interests and the particular challenges they face.

Senator Losier-Cool and her husband, Will, who is in the gallery and is a friend of mine, were very good friends of my in-laws, Claude and Simone Hébert. In 1967, we not only lived in the same neighbourhood and the Holy Family parish in Bathurst, but my wife Ginette and I rented our first apartment in the senator's house. You could say she gave us our first home.

A woman, a teacher, an Acadian — these are the facets of Senator Losier-Cool's identity that have deeply influenced her work and commitment to issues such as language rights for Canadian minorities and the rights of women.

[Translation]

She is a champion of minority rights.

[English]

It is no coincidence that she has achieved what she has, or that she has taken the path that she has. She is a quiet and discreet trailblazer who paved the way for others.

[Translation]

Yes, she paved the way for others, from Acadia all the way to the heart of Africa.

[English]

For instance, in the early 1980s, she became the first women president of the Association des enseignants francophones du Nouveau-Brunswick, and in 1992 she received New Brunswick's

Teacher of the Year award for non-sexist teaching. She is also the former vice-chair of the New Brunswick Advisory Council on the Status of Women.

Of course, as has been said, Rose-Marie, in recent years in your work here in the state you have applied your skills and insights to your work on the Standing Senate Committee on Official Languages, the Committee of Selection, and the Committee on Foreign Affairs and Human Rights. There is always something about rights in what you do, and that is so important.

For many years, Senator Losier-Cool was our deputy speaker as well as the first female chief government whip.

Canadians in general, and women and the Acadian people in particular, have benefited from Senator Losier-Cool's integrity and her understanding of the good that can be accomplished within the Senate.

[Translation]

She contributed to the advancement of La Francophonie and the status of women everywhere.

[English]

Having had the privilege of working with you, Senator Losier-Cool, I have learned a great deal from your clear-mindedness, your self-knowledge and your unshakeable commitment to people and causes that enrich the character of this country. Ever the educator, you helped me understand through words and activities why issues that matter to you should matter to all of us. In the last few years, you have applied your leadership experience and insight to women and minority issues and carried your ideas to the women of Africa.

I would like to share with you some words from your very close Bathurst friend, to whom Ginette and I spoke this morning, Madame Maryvonne Eddie. These are her words:

[Translation]

To your friends, Rose-Marie, you are an extremely generous woman who has always worked long and hard to promote La Francophonie and this part of your beloved Acadia. We are so proud of your achievements in the Senate and particularly of your commitment to African women, proving that you are a champion of women's rights.

Since you have been away from us for so many years, we are delighted that you will be back with us again for your well-deserved retirement, and we wish you all the best.

[English]

Thank you, senator, for what you have taught all of us and for the good work you will no doubt continue to do.

[Translation]

Long live Acadia! Long live Acadia!

[Senator Munson]

[English]

There is no shore like the North Shore; that is for sure.

Hon. David P. Smith: Honourable senators, I rise to pay tribute to my friend Senator Rose-Marie Losier-Cool. Most of you have heard about the various positions she has been in involving teaching, the New Brunswick Museum, Bathurst College, and the Senate committees.

Although we never spent time on Senate committees together, I want to talk about you personally. Whenever I see you, you put a smile on my face, and that is because you are a genuine, truly sweet, warm and sincere individual. All the vibes you give off are nice. You are universally respected here and in New Brunswick. I really like the fact that you are so proud of your Acadian, New Brunswick and North Shore roots.

If I had the voice of Nelson Eddy or, for younger people, Plácido Domingo, I would start to sing, "Oh Rose-Marie," but I will not subject you to that. I will simply point out that, as I have been telling you, we will all miss you. I think I can truly say that everyone around here really likes you and quite a few of us really love you. We will see you.

[Translation]

Hon. Joan Fraser: Honourable senators, so many things have been said about Rose-Marie Losier-Cool and they are all true. All of them. There are not too many people in the world who can inspire so much respect and friendship at the same time, respect for her constant and tireless fight for rights, always for rights — the rights of Acadians, the rights of francophones, the rights of women, back home in Acadia, in New Brunswick, in Canada and around the world.

These are noble battles, but my memories of her go beyond that. First and foremost, what I will remember about Rose-Marie Losier-Cool is her beautiful voice that effortlessly fills this chamber and asserts authority. I think there is only one former teacher who can assert her authority with so much kindness. We sometimes resemble angry children here in this chamber.

I will also always remember Rose-Marie Losier-Cool's gentle and deep kindness. I never heard her speak negatively about anyone, in public or in private. The most negative thing I ever heard her say, one day, when she had obviously been through something very tense, was, "It is not always easy!" That is the most negative thing she would say.

• (1410)

Therein is a lesson we can all take to heart: gentleness and kindness do not imply weakness. Rather, they imply strength — strength that inspires respect and goodwill on the part of all who meet Rose-Marie Losier-Cool.

We will miss her terribly, but we all sincerely wish her many years of happiness.

[English]

Hon. Sandra Lovelace Nicholas: Honourable senators, I join with you today in paying tribute to a colleague in the Senate, a fellow New Brunswicker, the Honourable Rose-Marie Losier-Cool.

Senator Losier-Cool was an educator for 33 years and sat on the board of directors of the Canadian Teachers' Federation. In 1983, she was the first woman to be elected president of the Association des enseignantes et enseignants francophones du Nouveau-Brunswick. She was the vice-president of the New Brunswick Advisory Council on the Status of Women and served on a number of foundations and boards. As well, she was the first woman ever to be appointed government whip in the Senate.

It is with gratitude that I look back to 2005 when I was summoned to the Senate of Canada and Senator Losier-Cool accepted to be my sponsor. I was absolutely honoured that she agreed and, in doing so, she again became the first senator to sponsor the first Aboriginal woman senator born and raised in a First Nations community.

Honourable senator, as we look at the legacy and the path you have travelled, or "been there, done that," and whether you decide to continue pouring your energy and enthusiasm to advocating and promoting issues affecting students, women and francophones, or to rest honourably on your success and knowledge gained during your time in the Senate, I wish you health, pleasure and happiness during the rest of your incredible journey.

In my language, when we part ways from one another, we do not say goodbye. We say "*upchich knomewol*"—"I will see you again."

[Translation]

Hon. Mobina S.B. Jaffer: Honourable senators, I am very pleased to have this opportunity to pay tribute to our colleague and friend, Senator Losier-Cool, and to celebrate her many contributions to improving the lives of Canadians and people around the world.

I am inspired by Senator Losier-Cool's dedication to promoting the rights and prosperity of women around the world, particularly the women she met in the course of her work with the Assemblée parlementaire de la Francophonie.

Many senators have already spoken eloquently of the senator's achievements and contributions. We know that she was a very active member of the Assemblée parlementaire de la Francophonie and that she became a Commander of the Ordre de la Pléiade in 2010. She also chaired the APF Network of Women Parliamentarians from 2007 to 2011.

I would like to share a story with you. In early October 2010, Senator Losier-Cool went to Lomé, the capital of Togo. The APF women's network was holding a training seminar there for local and regional parliamentarians. During the seminar, the senator presided over the opening of a computer room within the Parliament of Togo reserved for her sisters in the Togolese legislature.

This example is emblematic of Senator Losier-Cool's calm and determined support for women parliamentarians and shows her commitment to politics and a society that are more progressive and just.

Honourable senators, when I arrived in the Senate more than 10 years ago, Senator Losier-Cool was the first senator I met. I imagine that many of us have similar memories of our colleagues who have become our friends. She is a unique individual who made every effort to welcome us to this magnificent institution.

I could not have asked for a more welcoming, generous and sincere first friend. Your gentle manner and reassuring smile gave me the confidence and the knowledge that, by following your example, we could make a significant difference in the lives of Canadians, especially women and linguistic minorities.

Thank you very much, Senator Losier-Cool, for your service to our country and your precious friendship.

Hon. Pierre De Bané: Honourable senators, our colleague, Senator Losier-Cool, joined the Senate after teaching for 33 years and having held such senior positions as the first woman president of the association and various others that she held before joining us.

Born in Tracadie and educated at the Académie Sainte-Famille in Tracadie and then the École Normale in Fredericton, she spent 20 years of her 33-year teaching career at Nepisquit school in Bathurst.

What is remarkable is that when we read the first speech she gave in the Senate in 1995, upon her appointment, we can see just how faithful she has been to her mission:

My first role is to represent my Acadian community in the Senate and to represent the Senate in my community. That is why I will be visiting New Brunswick often . . . I want to visit the schools, where I will teach the students about the Senate so they have a better appreciation of our beautiful country.

She then went on to fulfil the following commitment:

I have always passionately defended all women's issues — pay equity, poverty, domestic violence — and, in order to share my concerns and raise awareness of government programs, I attend different activities across Canada that are dedicated to the advancement of women.

A mission on which we worked closely together, with the president of our Canadian chapter of the APF, the Honourable Senator Champagne, is that of the Assemblée parlementaire de la Francophonie. You have no idea how grateful the members of the APF, who represent 75 different parliaments, are for the exceptional contribution our colleague, Senator Losier-Cool, has made to the international Francophonie.

Along with all of my colleagues, I would like to tell you how much I admire your faithfulness and your determination to remain true to the mission that you gave yourself. Well done.

• (1420)

Hon. Gerald J. Comeau: Honourable senators, I would like to thank Senator Losier-Cool for all of the work that we were able to accomplish together during her time here in the Senate. I can tell you that every time we worked together on a file, it was very collegial.

I would also like to commend her on her knowledge and commitment, and particularly on the approach she used to address Acadian issues. Never, over all those years, did she show partisanship on these issues. I would like to sincerely thank her for that.

Lastly, I hope that, as in the past, I will be able to count on her wisdom and advice on issues that we both know have not yet been resolved. We still have a lot of work to do, and I know that she will be there to give us a hand on those matters. Thank you, Rose-Marie, for everything we have done together.

Hon. Rose-Marie Losier-Cool: Honourable senators, this was much more than I wanted, but I must say that it has been enjoyable. I liked it. As has been mentioned, I am retiring next week. I was very moved by all your kind words. I wrote a little something to say to each of you, but I know that, unfortunately, time is a bit limited.

[English]

Senator LeBreton, I have now figured out why you are so good at your job; it is because you have some LeBreton in Tracadie in the family. I thank you for your beautiful words.

[Translation]

Senator Champagne, I was very touched by your words. I am happy that you did not speak about all the cigarettes we smoked in Dakar and the other things that we shared.

I would like to wish you and Sébastien a great deal of courage. I greatly admire you.

Senator Tardif, Senator Chaput, you are true friends, to whom I often said: "It is a good thing we have each other".

[English]

Senator Nancy Ruth, I am happy to hear you telling me that I am the voice because for me you are the voice. Your saying that I have such power really moves me.

[Translation]

Senator Poulin, my Franco-Ontarian colleague, thank you.

[English]

Senator Munson, that was very special. Only you and Jeanette could find out that I am leaving this place. Being an educator, you stressed that is very important to me.

Senator Smith, who says I am sweet, oh boy, at my age.

[Translation]

To all honourable senators, thank you for your kind words. I am incredibly proud to count myself among the 922 Canadians who have served in the Senate since its creation. I am proud to have been the first Acadian woman appointed to this place and to have spent the past 17 years representing New Brunswick's Acadia and my corner of the province, the Acadian peninsula.

In all these years, I learned a great deal from many people and became a better person as a result. I thank you all.

[English]

As a member of the Senate, I have met many men and women of all ages and from all walks of life in Canada. I have also travelled abroad, as was mentioned, to meet parliamentarians and locals from almost every continent, and these many encounters have left me with ever-lasting recollections. I hope to have left good memories in return.

[Translation]

You did me the honour of appointing me as Speaker *pro tempore* for seven years. I wish to thank the three Speakers whom I have had the honour of working with: the late Senator Molgat, who was loquacious, one might say, and had a way of bringing people together.

[English]

Senator Hays, that Albertan gentleman.

[Translation]

And the current Speaker, my colleague from New Brunswick, the Honourable Senator Kinsella, who is a true statesman and cares deeply about decorum in our chamber. Senator Kinsella presides over this chamber in a very respectful manner and even in a "cool" way on occasion. Thank you for giving me the job of co-chair of the Joint Committee on Official Languages and then chair of the brand-new Standing Senate Committee on Official Languages, because, as you know, defending the French language in Canada has always been and will forever remain one of my top priorities.

I have gained so much experience here, and I want to briefly talk about Senate reform, which you will be studying over the next few years. We must not forget that the Senate exists to represent and defend the regions and minorities.

I agree that the Senate should be reformed, particularly when it comes to senators' terms. Perhaps 10 years is enough. In 10 years, a senator can become familiar with and effectively accomplish his or her mandate. I must admit that when I arrived here and sat in this corner, I wondered what I was doing here. I was intimidated by this place. I came from a classroom, and instead of having wall-to-wall carpeting, I had wall-to-wall students. I gave myself 10 years. During those 10 years, I served as whip and Speaker *pro tempore*. So I think that a 10-year term would be appropriate.

But in reforming the Senate, we must ensure that we never compromise the future of the regions and minorities. We are the only voice for these minorities and these regions; we must not take that away from them.

I hope I will be replaced, ideally by another woman, but at least by another Acadian who will fight as I and my Acadian colleagues here have done for the one-third of New Brunswickers who are francophone.

[English]

My parting wish for all of us is that the Canadian Senate remain the chamber of sober second thought. Over the past few years, unfortunately, the Senate has strayed more and more from its mission.

Here in this chamber, we have a phenomenal advantage over the other place: We have time. Honourable senators, let us take that time to do things right.

[Translation]

In conclusion, I would like to express my gratitude to the administrative staff of the Senate; to Garry O'Brien, who was so helpful to me; to Charles Robert, whose infectious laughter I will never forget and who supported me so well over the years; to the clerks, the maintenance staff, the security staff, the senators' support staff, and I cannot forget our dear pages. Never forget that you are the youth here.

[English]

Remember the rule of the three Ls: learn, love and laugh.

[Translation]

Do not be afraid. Do not be afraid to take a bite out of life before it bites you.

• (1430)

I would especially like to thank my team, beginning with Lise Bouchard, my faithful assistant. Lise, I do not know what I will do without you. You have simplified my life all these years. I would also like to thank my advisor, Richard Maurel, a perfectionist who has become an adopted son of Acadia over the past few years. I wish both of you a very happy retirement.

My husband, Will, I thank you for your unflagging support over the years. Your interest in and knowledge of national and international politics have helped me in so many ways. I should add that Will was married to a teacher for 33 years and a senator for 17 years, which adds up to 50 years in opposition.

Once again, I want to thank all of you. I wish you lots of laughter and good health.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our friend, His Excellency Philip Buxo, High Commissioner of the High Commission of the Republic of Trinidad and Tobago; Mr. Keith Kerwood, Head of Chancery of the High Commission; Mrs. Ingrid John-Baptiste, President of the Trinidad and Tobago Association of Ottawa; Mr. Keith Anatol, Co-chair of the Social and Entertainment

Committee, Trinidad and Tobago Association of Ottawa; and members of the Trinidad and Tobago Association of Ottawa. They are the guests of the Honourable Senator Meredith.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

2011-12 ANNUAL REPORTS TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, pursuant to rule 32(1) and in accordance with section 72 of the Access to Information Act and section 72 of the Privacy Act, I have the honour to table, in both official languages, the 2011-12 annual reports concerning the administration of these acts within the Office of the Commissioner of Lobbying.

FIREARMS ACT

PROPOSED FIREARMS INFORMATION REGULATIONS TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, proposed firearms regulations, pursuant to section 118 of the Firearms Act.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with the report of the Auditor General of Canada to the Standing Committee on Internal Economy, Budgets and Administration on the administration of the Senate.

On November 2, 2010, this chamber adopted the sixth report of the Internal Economy Committee inviting the Auditor General of Canada to conduct a performance audit of the Senate administration. Today I am pleased to be tabling the report of the Auditor General's report from the audit. The audit covered five lines of inquiry: strategic and operational planning; financial management, including procurement; human resource management; information services technology management; and security.

As far as Senate expenses are concerned, the OAG tested claims submitted by senators for travel, living, hospitality and other expenses. We are pleased to note that there were many positive comments about our management approach. We also recognize that there is also always room for improvement and welcome all the recommendations of the Auditor General.

We have already begun to implement many of the actions required and are putting the rest in place. We want taxpayers to know that we are committed to managing public funds conscientiously as we carry out our duties as parliamentarians.

With respect to expenses, the OAG found that the documentation for financial transactions demonstrated a compliance rating of 95.8 per cent. That is pretty good, but we are aiming for 100 per cent and we will keep working on it.

I want to thank all honourable senators who serve on the Standing Committee on Internal Economy, Budgets and Administration for their work over the past number of years. This has resulted in an Auditor General's report that compliments the Senate's management and administration. The 11 recommendations to further improve our administration will be our task over the next while.

I invite honourable senators to thank the clerk and the employees of the administration for their good work with the Office of the Auditor General. We are lucky to be supported by such excellent professionals. You will each be receiving copies of the report in your office this afternoon.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— REPORT OF COMMITTEE OF THE WHOLE PRESENTED

Hon. Donald H. Oliver, Chair of the Committee of the Whole, presented the following report:

Wednesday, June 13, 2012

The Committee of the Whole, authorized to consider the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, has the honour to present its

FIRST REPORT

Your committee, to which was referred the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, has, in obedience to the order of the Senate of Thursday, May 17, 2012, considered the report and now reports as follows:

Your committee recommends that the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented in the Senate on November 16, 2011, which proposes to replace the current *Rules of the Senate* with a revised set of Rules, be adopted with the following amendments:

1. Replace the first recommendation in the report, at page 412 of the *Journals of the Senate*, with the following:

"1. That the existing *Rules of the Senate* be replaced by the revised *Rules of the Senate* contained in the First Appendix to this report, including the associated appendices to the Rules, effective from September 17, 2012;"

2. Replace rule 2-5(3), at page 25 of the First Appendix of the report (page 441 of the *Journals of the Senate*), with the following:

"Appeals of rulings

2-5. (3) Any Senator may appeal a Speaker's ruling at the time it is given, except one relating to the expiry of speaking times. The appeal shall be decided immediately using the ordinary procedure for determining the duration of the bells."

3. Replace rule 2-13(1), at page 27 of the First Appendix of the report (page 443 of the *Journals of the Senate*), with the following:

"Strangers ordered to withdraw

2-13. (1) When, during a sitting of the Senate or a Committee of the Whole, a Senator objects to the presence of strangers, the question "That strangers be ordered to withdraw" shall be decided immediately."

4. Replace rule 4-13(3), at page 43 of the First Appendix of the report (page 459 of the *Journals of the Senate*), with the following:

"Ordering of Government Business

4-13. (3) Government business shall be called in such sequence as the Leader or the Deputy Leader of the Government shall determine."

5. Renumber current rule 9-6(1), at page 74 of the First Appendix of the report (page 490 of the *Journals of the Senate*), as rule 9-6;

6. Delete rule 9-6(2), at page 75 of the First Appendix of the report (page 491 of the *Journals of the Senate*);

7. Replace rule 12-4, at page 93 of the First Appendix of the report (page 509 of the *Journals of the Senate*), with the following:

"Standing joint committees

12-4. The number of Senators appointed to the following standing joint committees shall be recommended by the Committee of Selection:

(a) the Standing Joint Committee on the Library of Parliament; and

(b) the Standing Joint Committee for the Scrutiny of Regulations.

REFERENCES

Parliament of Canada Act, *sections 74 and 78*

Statutory Instruments Act, *sections 19 and 19.1*;

8. Replace paragraph (a) of rule 13-5, at page 117 of the First Appendix of the report (page 533 of the *Journals of the Senate*), with the following:

“(a) raise it during the sitting without notice at any time, except during Routine Proceedings, Question Period, or a vote, but otherwise generally following the provisions of this chapter; or”;

9. Replace rule 13-6(1), at page 118 of the First Appendix of the report (page 534 of the *Journals of the Senate*), with the following:

“Consideration of question of privilege

13-6. (1) Except as otherwise provided, or unless the Senate adjourns earlier, questions of privilege of which written and oral notice was given shall be considered as soon as the Senate has completed Orders of the Day, but no later than either 8 p.m. the same day or noon on a Friday.

EXCEPTIONS

Rule 8-4(1): Adjournment motion for emergency debate

Rule 13-5(a): Question of privilege without notice

Rule 13-6(2): When question of privilege without notice considered

Rule 13-7(2): Debate on motion on case of privilege”;

10. Add the following new rule 13-6(2), at page 118 of the First Appendix of the report (page 534 of the *Journals of the Senate*):

“When question of privilege without notice considered

13-6. (2) A question of privilege raised without notice shall be considered at the time it is raised, unless the Speaker at any time directs that further consideration be delayed until the time for considering questions of privilege of which written and oral notice was received. In this case, the delayed consideration shall be taken up before any questions of privilege of which notice was given.”;

11. Renumber current rules 13-6(2) to 13-6(4), at page 118 of the First Appendix of the report (page 534 of the *Journals of the Senate*), as rules 13-6(3) to 13-6(5);

12. Add the following new rule 15-3(4), at page 130 of the First Appendix of the report (page 546 of the *Journals of the Senate*):

“Suspension of Allowances

15-3. (4) Where a finding of guilt is made against a Senator who has been charged with a criminal offence that was prosecuted by indictment, the Standing Committee on Internal Economy, Budgets and Administration may order the withholding of the payable portion of the sessional allowance of the Senator in accordance with rule 15-3(1)(a) as if the Senator were suspended.”;

13. Replace rule 15-4(1), at page 130 of the First Appendix of the report (page 546 of the *Journals of the Senate*), with the following:

“Notice of charge

15-4. (1) At the first opportunity after a Senator is charged with a criminal offence for which the Senator may be prosecuted by indictment, either:

(a) the Senator shall notify the Senate by a signed written notice that is delivered to the Clerk of the Senate, who shall table it; or

(b) the Speaker shall table such proof of the charge as the court may provide.”;

14. Replace rule 15-4(2), at page 130 of the First Appendix of the report (page 546 of the *Journals of the Senate*), with the following:

“Leave of absence for accused Senator

15-4. (2) When notice is given under subsection (1), the Senator charged is granted a leave of absence from the time the notice is tabled and is considered to be on public business during this leave of absence.”;

15. Add the following new rule 15-4(6), at page 131 of the First Appendix of the report (page 547 of the *Journals of the Senate*):

“Senate resources in case of leave of absence

15-4. (6) If a Senator is granted a leave of absence under subsection (2), the Standing Committee on Internal Economy, Budgets and Administration may, as it considers appropriate in the circumstances, suspend that Senator's right to the use of some or all of the Senate resources otherwise made available for the carrying out of the Senator's parliamentary functions, including funds, goods, services, premises, moving, transportation, travel and telecommunications expenses.”; and

16. Update any cross-references in the report and its appendices, including the lists of exceptions, accordingly.

Respectfully submitted,

DONALD H. OLIVER
Chair

Some Hon. Senators: Hear, hear!

• (1440)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Oliver, report placed on Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

FIREARMS ACT

NOTICE OF MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO STUDY PROPOSED FIREARMS INFORMATION REGULATIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That the proposed Firearms Information Regulations (Non-Restricted Firearms), tabled in the Senate on June 13, 2012, be referred to the Standing Senate Committee on Legal and Constitutional Affairs, pursuant to subsection 118(3) of the *Firearms Act* (S.C. 1995, c. 39).

[English]

The Hon. the Speaker: Honourable senators, is leave granted to consider this matter now?

Hon. Anne C. Cools: Honourable senators, I would like to have an explanation as to why.

[Translation]

Senator Carignan: These are proposed regulations on the application of the Firearms Act, specifically with respect to the information that has to be retained by the chief firearms officer. These regulations have to be approved by the House and the Senate and referred to the Standing Senate Committee on Legal and Constitutional Affairs. As this is government business and the other items currently before the senate committee are private bills, we want to give priority to government business with regard to the application of the Firearms Act so that it can come into force as soon as possible.

[English]

Senator Cools: Honourable senators, I was looking for an explanation with respect to the urgency. I am supportive of the government's initiatives on firearms. This has been well known

for many years. I was hoping the honourable senator would explain to me why this matter cannot proceed in the normal course of things and be referred to the Legal Affairs Committee by the normal notice times.

This rule 3 that the honourable senator is using should be used rarely, and with good reason. Therefore, I was hoping that he could tell me that there was a reason it is urgent.

Is it urgent, or could it be run in the natural state of affairs?

Senator Carignan: In my view, it is urgent.

Senator Cools: It is urgent, but what is the urgency?

I am prepared to give agreement, honourable senators, but I do believe that rule 3 is being used far too frequently. If there is an urgency, like a deadline — tomorrow or next week — we need an explanation. That is all I am after. The rule states that when leave is asked for, an explanation shall be provided.

[Translation]

Senator Carignan: The parliamentary session is wrapping up in the coming days and we have to find a way to work efficiently. This new bill has come into force and the regulations are necessary to allow the provisions of the bill to be applied quickly. Not adopting the regulations in the coming days could mean delaying their adoption until the fall. We believe that for the effectiveness of the bill and the implementation of the regulations and the standards that govern it, we must approve these regulations as soon as possible in order to avoid causing difficulties for hundreds of thousands of people.

[English]

Senator Cools: Honourable senators, I understand that the Senate is planning to sit into July and that there is no shortage of time. That is the rumour. I do not sit in any caucus, so I do not get regular reports on future Senate business, but my understanding is that we will sit well into July. If this were urgent, I would give leave. However, there is nothing in the explanation of the honourable senator that suggests this measure has to be adopted or completed in the next two or three days.

The point I am making, honourable senators, is that this rule is supposed to be used rarely and it is being used as a matter of routine.

[Translation]

The Hon. the Speaker: Honourable senators, the Deputy Leader of the Government has asked for leave to proceed with this government notice now.

In light of the explanation provided by the Deputy Leader of the Government, is leave granted?

[English]

Is there agreement, honourable senators?

Some Hon. Senators: Yes.

Senator Cools: No.

The Hon. the Speaker: It is not unanimous consent; it is a notice of motion.

• (1450)

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

BUREAU MEETING AND ORDINARY SESSION,
JULY 4-8, 2010—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Assemblée parlementaire de la Francophonie (APF), respecting its participation at the Bureau Meeting and the XXXVI Ordinary Session of the APF, held in Dakar, Senegal, from July 4 to 8, 2010.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF THE PROCEEDS OF CRIME (MONEY LAUNDERING)
AND TERRORIST FINANCING ACT

Hon. Irving Gerstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, and Tuesday, May 15, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 21, 2012, to June 29, 2012.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTINGS OF THE SENATE

Hon. Irving Gerstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, until June 29, 2012, for the purposes of its consideration of any item of government business, the Standing Senate Committee on Banking, Trade and Commerce have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF SERVICES AND BENEFITS FOR MEMBERS
AND VETERANS OF ARMED FORCES AND CURRENT
AND FORMER MEMBERS OF THE RCMP,
COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Donald Neil Plett: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Wednesday, June 22, 2011, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study on the services and benefits provided to members of the Canadian Forces, to veterans, and to members and former members of the Royal Canadian Mounted Police and their families be extended from June 17, 2012 to June 28, 2013.

[Translation]

BENEFITS OF IMMIGRATION

NOTICE OF INQUIRY

Hon. Consiglio Di Nino: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the benefits of immigration in our past, our present and our future.

[English]

QUESTION PERIOD

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Rivest on April 25, 2012, concerning correctional programs.

PUBLIC SAFETY

CLOSURE OF PRISONS

(Response to question raised by Hon. Jean-Claude Rivest on April 25, 2012)

The Correctional Service of Canada (CSC) is recognized as an international leader in the development and delivery of correctional programs.

Correctional programs enhance public safety results by making offenders accountable for their behaviour, changing pro-criminal attitudes and beliefs and teaching skills for their safe reintegration into society.

CSC offers a broad range of correctional programs to offenders in institutions and in the community, including programs designed to target general violence, family violence, sexual offending, substance abuse and general crime. CSC also delivers correctional programs designed specifically for women and Aboriginal offenders. Reductions in re-offending ranging from 18% to 63%¹ have been reported for some of CSC's correctional programs.

In addition, CSC offers education programs to address offenders' needs as mandated by the *Corrections and Conditional Release Act*. The goal of education within the correctional environment is to provide offenders with the basic literacy, academic, vocational and personal development skills needed to facilitate their safe and successful reintegration into the community. To accomplish this, education programs assist offenders in acquiring the skills to participate meaningfully in CSC's core correctional and employment programs.

Through its special operating agency CORCAN, CSC also provides on-the-job training opportunities in 39 federal institutions across Canada. CORCAN is a key rehabilitation program of CSC that contributes to safe communities by providing employment training and employability skills to offenders in four business lines: manufacturing, construction, services and textiles. On any given day, over 2,000 offenders are working in CORCAN operations across the country, and over the course of a year, over 4,000 offenders benefit from the program—obtaining over 2.5 million hours of on-the-job experience and skills training.

CSC remains well-equipped to respond to the diverse needs of the offender population through its current correctional programs.

(Footnote to Delayed Answer)

¹Statistics related to rates of re-offending were derived from the 2009 National Correctional Program Evaluation [Evaluation Branch—Performance Assurance Sector. (2009) Evaluation Report: Correctional Service of Canada's Correctional Programs. Correctional Service of Canada.]

ORDERS OF THE DAY

SAFE DRINKING WATER FOR FIRST NATIONS BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Plett, for the third reading of Bill S-8, An Act respecting the safety of drinking water on First Nation lands.

Hon. Lillian Eva Dyck: Honourable senators, I rise today at third reading of Bill S-8, the safe drinking water for First Nations act. This bill was referred to the Standing Senate Committee on Aboriginal Peoples on April 25, and since then our committee has heard from 12 non-federal government witnesses representing First Nations and legal associations.

As honourable senators know, this is the second version of the First Nations safe drinking water act this chamber has seen. Its predecessor, Bill S-11, was overwhelmingly opposed by First Nations and legal experts. However, this time, with some amendments, Bill S-8 does have conditional support from four regional First Nation organizations: the Council of Yukon First Nations, the Treaty 6 and Treaty 7 Chiefs of Alberta, the Assembly of the First Nations of Quebec and Labrador, and the Atlantic Policy Congress of First Nations Chiefs.

The rest of the First Nations witnesses were strongly against Bill S-8, unless critical changes to the bill were made. Their concerns were largely carried into the observations of this report, and I will speak to them later in my speech.

Before I delve into our committee's study of the bill, I would first like to acknowledge and thank the members of the committee and the staff for their hard work during the study of Bill S-8. As a committee we worked together, through consensus, to achieve a common goal.

The government calls Bill S-8 enabling legislation. Most of the regulations that will apply to First Nations and their lands will be discussed after this bill is passed, in negotiation with the department. The legislation itself confers powers to the Governor-in-Council to make certain regulations in the area of water and waste water systems on First Nations reserves. The success of this legislation and the safety of drinking water on reserves will rest on the process of developing the regulations. It is imperative that the Government of Canada work collaboratively and closely with First Nations in the drafting of these regulations.

As critic of the bill, in speaking with my colleagues at committee, we felt that we may progress forward in agreement with this bill with the addition of certain commitments from the Minister of Aboriginal Affairs and Northern Development. Through our committee, the minister wrote to the chair, committing that his department will work with First Nations on the development of regulations that stem from this bill. He also committed to providing resources and funding for First Nations to participate actively in the regulation development and further committed to addressing the infrastructure and resource gap identified by the national assessment. It is with this commitment from the minister that we can conditionally support Bill S-8, with the attached observations that outline key concerns of witnesses that should be taken into consideration when developing the regulations. I will now turn to these key areas of concern.

One of the key concerns over the bill was the failure of the Crown to live up to its duty to consult and accommodate First Nations. Many witnesses expressed their frustration with the Crown's failure to consult and accommodate First Nations in the development of Bill S-8. In particular, self-governing First Nations were not consulted at all during the development of Bill S-11 and Bill S-8. The lack of consultation was the primary

objection for the Union of British Columbia Indian Chiefs and the Federation of Saskatchewan Indian Nations. Without better consultation, these two organizations and their membership will not support Bill S-8. With this track record of consultation, these First Nation witnesses were deeply concerned over the level of future consultation and collaboration during the regulation development.

As the Indigenous Bar Association brief stated, "in light of the Crown's legislative history, First Nations cannot simply rely on 'good faith' covenants that their voices will be heard in the development and operation of the regulations regarding safe drinking water."

However, as I mentioned earlier, with the four First Nations organizations that have offered conditional support, a condition for their support is the continued working relationship that these organizations have been able to garner with the department. A model of this collaboration has been exemplified by the Treaty 6 and Treaty 7 Chiefs of Alberta, who have had successful collaboration with the department in seeking changes to Bill S-8 and a commitment for a more appropriate process for consultations in the development of regulations and adequate resources to ensure the participation of First Nations in such a process. Our committee asked the minister and his department to make these same commitments to all First Nations. The minister agreed to make these commitments in a letter to the chair of the committee, who then wrote to the First Nations and sent a copy of the minister's letter. I, like Chief Weaselhead of Alberta, am "cautiously optimistic," but I must say that it would have been better if the minister had written to the First Nation witnesses directly rather than for them to be sent a copy.

The second area of concern is the lack of funding attached to Bill S-8, or any parallel funding or investment plan to address the massive infrastructure and resource gap facing on-reserve water and waste water systems.

• (1500)

All non-federal government witnesses were conclusive in their concern about the lack of adequate financial resources for infrastructure and training to implement Bill S-8 and associated regulations. The four First Nation witnesses who offered support for Bill S-8 did so on the condition that the required investments for infrastructure upgrades and training be made before Bill S-8 and its regulations and associated liabilities are implemented.

It is clear that Bill S-8 alone will not improve water quality on-reserve. As Grand Chief Weaselhead of Treaty 6 and 7 said:

Regulations without capacity and financial resources to support them will only set up First Nations to fail . . . The Safe Drinking Water for First Nations Act alone cannot and will not ensure the safety of First Nations drinking water.

The National Assessment has indicated that the investment needed to address the requirement to upgrade on-reserve water and wastewater systems is \$4.7 billion over 10 years, plus a projected operating and maintenance budget of \$419 million

annually. Every report, from the expert panel onwards, including our own Senate report, has emphasized that the infrastructure gap has to be addressed before any legislative or regulatory framework is imposed on a First Nation.

The department officials who appeared at the committee reassured us that regulations and liability will not be imposed until the First Nation has the resources and capacity to abide by those regulations. In addition, in the letter to the chair, the minister stated that infrastructure investments will be made by working with First Nations to identify priority areas. I am encouraged by these words.

The third area of concern centred on clause 3 of the bill. This clause has been described by the government as a non-derogation clause. However, several witnesses argued that this clause allows for derogation of Aboriginal and treaty rights "to the extent necessary to ensure the safety of drinking water on First Nations lands."

The Supreme Court's test for abrogation of section 35 rights is well established and should be used to guide the Governor-in-Council when designing the regulations stemming from Bill S-8, not when prescribing it as a limitation in a statute of Parliament. Furthermore, a clear explanation of how these determinations will be made was never fully addressed. As Mr. Jim Aldridge stated:

What is left unsaid is how necessity will be determined. Will it be determined by the Governor-in-Council or will it have to be determined through time-consuming, costly and divisive litigation?

These questions were not adequately answered. The argument was made that, if the courts already recognize safety as a limitation on an Aboriginal and treaty right, then there is no need to prescribe it into law. Many witnesses asked the committee to amend clause 3 by deleting the limiting language of "except to the extent necessary to ensure the safety of drinking water on First Nation lands."

Overall, I appreciated the sponsor's cooperative approach to dealing with the key issues surrounding our study of Bill S-8. When certain questions arose from committee members, he was able to provide further clarification and explanations from department officials.

For instance, during committee testimony, the unique situation of the Mohawks of Akwesasne raised serious concerns over how Bill S-8 could actually work for their First Nation as they have great jurisdictional complexity and their own bylaws regulating their water and wastewater systems. They had asked the committee for an exemption under Bill S-8. In conversation with department officials, they were able to make it clear that, under clause 5(4), certain First Nations, like the Mohawk, could be exempted due to provincial variations, which could also incorporate their advanced water system and bylaws regulating it. This discussion was very helpful in not only addressing concerns of the Mohawk but also in looking at how regulation development, under Bill S-8, would practically apply to certain First Nations.

However, not all concerns were dealt with with such common understanding and agreement. I am disappointed that the strong opposition to clause 3 fell on deaf ears. I have, therefore, decided to move an amendment to the bill.

MOTION IN AMENDMENT

Hon. Lillian Eva Dyck: Honourable senators, I move:

That Bill S-8 be amended in clause 3, on page 3, by replacing lines 9 to 11 with the following:

"Act, 1982."

The Hon. the Speaker pro tempore: It has been moved by Honourable Senator Dyck, seconded by Honourable Senator Watt that Bill S-8 be amended in clause 3, on page 3, by replacing lines 9 to 11 with the following: *"Act, 1982."*

Senator Dyck: Honourable senators, during the committee's study of Bill S-8, the Safe Drinking Water for First Nations Act, we came to a consensus decision —

The Hon. the Speaker pro tempore: Is this a continuation of your third reading speech?

Senator Dyck: The amendment speech; sorry.

The Hon. the Speaker pro tempore: You have finished your speech on third reading is that correct?

Senator Dyck: Yes.

The Hon. the Speaker pro tempore: In third reading, you made an amendment that was moved and seconded.

Senator Dyck: Yes, and now I would like to debate the amendment.

The Hon. the Speaker pro tempore: Honourable Senator Dyck, under the rules, you stood to speak on third reading debate. You did speak on third reading, and, in the course of your third reading debate, you moved an amendment that was properly put before the chamber.

Having done that, that concludes your third reading debate.

Senator Dyck: Could I use the rest of my time?

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Honourable senators, it requires leave for her, having made the amendment and interrupted her third reading speech, to continue her third reading speech to comment on the amendment. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Dyck: Thank you, honourable senators.

Honourable senators, during the committee's study of Bill S-8, the Safe Drinking Water for First Nations Act, we came to a consensus decision to pass the bill with observations. They were

strong observations. Nonetheless, I rise to speak to this motion as an Aboriginal senator who feels compelled to do whatever I can to protect existing Aboriginal and treaty rights. Today, my remarks are those of an Aboriginal senator, rather than those of a member of the committee or the opposition critic of the bill.

Honourable senators, I proposed the amendment to clause 3 of Bill S-8 because, while it is important to protect the safety of drinking water in First Nation communities, it is just as important to protect existing Aboriginal and treaty rights of the community. The limiting phrase added to the non-derogation clause in this bill undermines constitutionally protected Aboriginal rights.

Clause 3 of the bill states:

For greater certainty, nothing in this Act or the regulations is to be construed so as to abrogate or derogate from any existing Aboriginal or treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*, except to the extent necessary to ensure the safety of drinking water on First Nation lands.

My amendment will strike the phrase "except to the extent necessary to ensure the safety of drinking water on First Nation lands" from this clause.

I would like to note that, in the observations attached to the committee report on Bill S-8, we reported that:

The committee welcomes the inclusion of a clause in the bill which addresses the relationship between the legislation and Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982*. However, the committee is concerned that this clause still expressly allows for the abrogation or derogation of Aboriginal and treaty rights in some circumstances. Such a clause should only be invoked rarely and not extend beyond what is legally justifiable in any given circumstance.

• (1510)

Honourable senators, all of the First Nation witnesses stated that section 35 on Aboriginal rights should be safeguarded from infringements. The few who agreed to the specific derogation did so with the understanding that they would be consulted in the regulation development and that they would receive adequate funding to provide safe drinking water.

While the committee's observations are an attempt to put limits on the use of exceptions to Aboriginal rights, the minister does not have to heed our advice. The only foolproof way to guarantee that Aboriginal rights will be protected is to strike the phrase allowing any exceptions and revert to the standard non-derogation clause. In his second reading speech on Bill S-207, An Act to amend the Interpretation Act, Senator Patterson argued that the government is justified in infringing on Aboriginal rights in Bill S-8. I disagree.

For the record, contrary to the comment made by Senator Patterson in his speech last week on Bill S-207, I was not a member of the Standing Senate Committee on Legal and Constitutional Affairs. I did attend a few of their meetings, but at the time, I was not sitting as a Liberal member.

Senator Patterson stated:

Even if there was an Aboriginal right on Indian lands that contained an important community water source, a lawyer for the Department of Justice advised our committee that the clause was necessary to ensure that Aboriginal land rights would not prevail if those rights were employed to justify the establishment of a garbage dump or waste site that jeopardized a source of clean drinking water for the community on those lands.

With all due respect to the honourable senator, my colleague, the department's argument does not hold water. The example used by the department trivializes constitutionally protected Aboriginal rights. Frankly, it is ludicrous to suggest that insisting on a specific location for a garbage dump is a section 35 right. Furthermore, to be blunt, no one in their right mind, Aboriginal or otherwise, would argue that they have a constitutional right to harm their own safety by dumping garbage or waste water so close to their drinking water source that it makes their drinking water unsafe to drink. No one would be ignorant enough to knowingly and wilfully endanger the health of their family, children or the community as a whole.

It is not legitimate to claim that establishing a garbage dump or waste site too close to a drinking water source is an Aboriginal right. If a First Nation tried to do this, they would be prevented from doing so simply by application of the regulations developed following passage of this bill.

Clause 4 of the bill states that the Governor-in-Council may make regulations respecting the protection of sources of drinking water from contamination and clause 5(1)(p) requires permits to be obtained as a condition of engaging in any activity on First Nation lands that could affect the quality of drinking water.

These provisions ensure that a scenario such as locating a garbage dump too close to the source of drinking water would be prohibited by regulations developed after the bill is enacted. Moreover, the minister has committed to working with First Nations in the drafting of the regulations, so surely the safety concerns expressed by the department can be worked out during their deliberations.

Furthermore, the minister and the department have significant legislative and administrative authority over most First Nations. In other words, they have more decision-making power than most First Nations.

While I have used the specific example that the department officials used, it is important to note that the same argument applies to any activity that might contaminate drinking water on First Nation lands. There is no need to use the phrase "except to the extent necessary to ensure the safety of drinking water on First Nations lands" to derogate from First Nation rights. The whole bill is designed to develop and enact regulations for the provision of safe drinking water on First Nation lands. As I just said, these can be crafted satisfactorily by the department and the First Nations working together.

Honourable senators, perhaps the more important issue to address is how this bill might infringe on existing Aboriginal and treaty rights. There are clauses that could override the existing

Aboriginal and treaty rights of Indian Act First Nations as well as any self-governing or other First Nations who choose to opt in. Clauses 5(1)(b) and (c) allow the Governor-in-Council to delegate whatever power is necessary in specified conditions to make a First Nation band comply with the regulations. For the record, I refer to clause 5, which states:

(1) Regulations made under section 4 may

(b) confer on any person or body any legislative, administrative, judicial or other power that the Governor in Council considers necessary to effectively regulate drinking water systems and waste water systems;

(c) confer on any person or body the power, exercisable in specified circumstances and subject to specified conditions,

(i) to make orders to cease any work, comply with any provision of the regulations or remedy the consequences of a failure to comply with the regulations,

Surely such sweeping powers of the Governor-in-Council could be used to interfere with Aboriginal rights.

Honourable senators, the key to understanding why Bill S-8 must have the standard non-derogation clause is to consider specific examples of existing Aboriginal and treaty rights and how they might be affected negatively by the enactment of regulations to provide safe drinking water. Existing Aboriginal and treaty rights would include activities such as spiritual ceremonies, hunting, trapping, fishing, and gathering of plants for nutritional or medicinal purposes. If the physical infrastructure of a water treatment plant and waste water plant destroys, alters or contaminates First Nation lands in any way that interferes significantly with or prevents the practice of these traditional practices, this would be an infringement of Aboriginal rights.

Examples of possible infringements of Aboriginal rights would be construction on or through traditional ceremonial or sacred sites, such as medicine wheel sites, vision quest sites, sun dance sites, fasting areas, sweat lodges and pictograph sites; construction on or through traditional burial sites; construction on or through traditional summer cultural camp sites; construction on or through sites where medicines and traditional foods grow naturally; construction or interferences with migration or movement of wild animals, fish or birds used for food, medicines or other traditional purposes; interference with or interruption of trap lines and traditional fishing sites; and dumping sewage or waste water at or near any of the above-named sites.

Honourable senators, the most likely scenario is that outsiders, such as government, industry or others, will contaminate drinking water sources on First Nation lands rather than the First Nations people contaminating their own land.

Will existing Aboriginal and treaty rights, such as preserving sacred ceremonial sites, be protected without a standard non-derogation clause when the regulations of this bill are

developed? No, not necessarily. They may be protected during regulation formulation, but the only foolproof way to guarantee that Aboriginal rights will be protected is to include the standard non-derogation clause in Bill S-8 by deleting the terminal phrase of clause 3.

Too often First Nations have had their legitimate rights trampled on. If the limiting phrase in clause 3 is not deleted, the department could destroy sacred First Nation sites rather than be legally required to consult with First Nations to find alternative means of providing safe drinking water or disposal of waste water.

I hope that when this bill is studied in the other place, First Nation witnesses will provide examples, as I have done, of how Aboriginal or treaty rights might be infringed upon by this bill. It would be helpful to start talking about these rights using actual examples rather than talking about them in the abstract.

The witness from the Nisga'a Lisims First Nation clearly thought that the standard non-derogation clause was of critical importance.

• (1520)

He stated:

First Nations, such the Nisga'a Nation and other groups with land claims agreements, will, we predict, be given the invidious choice. You can have money for safe drinking water or you can have your treaty rights, but you cannot have both. We say that this is a cynical, thin edge of the wedge to establish, for the first time in Canadian parliamentary history, a legislative precedent whereby constitutionally protected rights are subject to ordinary statutes of Parliament, and the next time there is a bill with this idea we suggest that the government will point to this bill as being the legislative precedent. The next time there will not be the option to opt in or opt out.

Honourable senators, let me summarize my main points. The phrase "except to the extent necessary to ensure the safety of drinking water on First Nations lands" in clause 3 ought to be deleted, because existing Aboriginal and treaty rights are fundamental rights which should not be undermined.

First, this is what every First Nation witness wanted.

Second, existing Aboriginal and treaty rights, such as protecting sacred sites, could be compromised during the development and implementation of the regulations unless the bill is amended.

Third, the only way to guarantee that existing Aboriginal and treaty rights will be protected is to amend the bill.

Fourth, if the bill is amended, the safety of drinking water and the protection of Aboriginal rights will be guaranteed because both parties will have to undertake true consultation to come to a solution.

For those who are worried that acceding to section 35 rights will negatively impact the implementation of the bill, let me state that I do not believe that section 35 rights will be used to stop the provision of safe drinking water on reserves, but I believe that in honouring those rights, the government and the First Nations will be able to come to a creative solution to accommodate both sides — provision of safe drinking water and upholding existing Aboriginal and treaty rights.

The ideal solution would have been that the Standing Senate Committee on Aboriginal Peoples had time to think more deeply about how to accommodate existing Aboriginal and treaty rights. It would have been even better if we had proposed amendments to the bill to protect existing Aboriginal and treaty rights, such as the ones I used as examples.

Honourable senators, the perfect solution would be for First Nations themselves to initiate legislation that allows their rights to be implemented. Maybe the first step is for them to develop clauses in the regulatory framework to protect existing Aboriginal and treaty rights such as those I have listed above, and to present them during committee study of the bill in the other place.

Honourable senators, I conclude my remarks with this observation: Many of us, especially those of us who are members of the Standing Senate Committee on Aboriginal Peoples, have heard First Nation witnesses whose first words to us are to acknowledge the Algonquin people upon whose unceded lands we are sitting. Do honourable senators know what that means? Do they? I know some do. The land on which the Parliament of Canada sits, the very building in which we are debating a bill that would set limits on existing Aboriginal and treaty rights, is situated on land that Canada took from the Algonquin people without their consent or fair compensation.

In other words, Canada ignored their Aboriginal rights more than 100 years ago.

How can we, as honourable senators, continue to sanction such dishonourable practices by putting limits on existing Aboriginal and treaty rights when we do not have to?

I respectfully ask for support in amending Bill S-8 so that the existing Aboriginal and treaty rights of the First Nation peoples are honoured and not infringed upon when the activities to provide safe drinking water and dispose of waste water on First Nation lands are undertaken.

Thank you.

Hon. Dennis Glen Patterson: Honourable senators, I would like to take some time to consider my response to Senator Dyck's thoughtful remarks on this amendment. I would like to adjourn the motion standing in my name for the remainder of my time.

(On motion of Senator Patterson, debate adjourned.)

**IMMIGRATION AND REFUGEE PROTECTION ACT
BALANCED REFUGEE REFORM ACT
MARINE TRANSPORTATION SECURITY ACT
DEPARTMENT OF CITIZENSHIP
AND IMMIGRATION ACT**

BILL TO AMEND—SECOND READING

Hon. Yonah Martin moved second reading of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

She said: Honourable senators, I am pleased to rise today to support Bill C-31, the protecting Canada's immigration system act.

Honourable senators, Canada has long been a destination of choice for people around the world. Like many of my colleagues in the Senate, I am an immigrant to Canada, having come here from South Korea with my family in the early 1970s.

[Translation]

It is safe to say that immigration is central to our country's history, prosperity and international reputation for generosity and humanitarianism, and it has been central to the success of our country.

[English]

Canada has a proud humanitarian tradition. Canada welcomes more resettled refugees than almost any other country in the world, and our government continues to uphold that tradition. In fact, we are increasing the number of resettled refugees by 20 per cent, or an additional 2,500 people.

However, Canada's asylum system is open to abuse. There are countless stories of criminal human smugglers, fraudulent asylum claimants and violent criminals taking advantage of Canada's generous asylum system. This abuse wastes limited resources and slows down the process for legitimate refugees who have to wait longer in the queue. It also undermines public confidence in our immigration system.

[Translation]

Canadians are a generous and welcoming people, but they have no tolerance for people who unduly take advantage of our country. That is why I am very pleased to speak today in favour of a bill that will give Canada a coherent, effective and efficient immigration system that will help improve the fairness and speed with which claims are processed and refugee status is granted under the federal system.

[English]

As honourable senators know, Bill C-31 aims to strengthen Canada's system in three specific ways. It would further build on the long-needed reforms to the asylum system that were passed in Parliament in June 2010 as part of the Balanced Refugee Reform Act.

It would allow Canadian authorities to better crack down on the despicable, ugly crime of human smuggling by integrating measures that the government previously introduced in the Preventing Human Smugglers from Abusing Canada's Immigration System Act.

[Translation]

The bill also provides for the use of biometric information when an application for certain visitors' visas or permits is made, which will contribute to strengthening our immigration program in many ways.

[English]

As honourable senators are aware, people in genuine need of our protection now wait almost two years for a decision on their refugee claim. This is unacceptable and unfair to genuine claimants. The system is so slow because it is bogged down by people who are not in need of Canada's protection. Indeed, on average it can take up to four and a half years from the time an initial claim is made until a failed claimant is removed from Canada. In some extreme cases, people have managed to play the system and remain here for 10 years or more.

This is not only unacceptable, it is also very expensive, costing taxpayers far too much of their hard-earned dollars. In fact, the average failed refugee claim currently costs taxpayers around \$55,000.

• (1530)

The government brought forward the protecting Canada's immigration system bill to ensure we have a fair, but fast, refugee asylum system that ends the abuse of Canada's generosity.

[Translation]

Our refugee system was designed to protect people who really need it. I am talking about people forced to flee because they fear for their lives, since their country is led by a regime that is characterized by brutality, violence, oppression and persecution. These people come to Canada in search of refuge and protection because their lives are in danger. Recent data suggest that we have reason to be concerned. Indeed, thousands of people claiming refugee status in Canada are leaving safe, democratic countries where human rights are respected.

[English]

Honourable senators, the facts speak for themselves. In 2011, Canada received a total of 5,800 refugee claims from democratic, rights-respecting member countries of the European Union, an increase of 14 per cent from 2010. This means that 23 per cent of total refugee claims came from the EU. That is more than Africa or Asia.

Most importantly, virtually all EU claims are abandoned, withdrawn or rejected. Refugee claimants themselves are choosing not to see their claims to completion, meaning they are not in genuine need of Canada's protection. In other words, these claims are fraudulent, and the bogus claims from the EU cost Canadian taxpayers over \$170 million per year.

Bill C-31, the protecting Canada's immigration system bill, is part of our Conservative government's plan to restore integrity to our asylum system and restore Canadians' confidence in our immigration system. Bill C-31 will make Canada's refugee determination process faster and fairer, and the bill will result in total savings to taxpayers of \$1.65 billion over five years.

[Translation]

Bill C-31 will help speed up the processing of refugee claims in several ways. For instance, it will improve the provisions dealing with designated countries of origin, which will allow the government to respond more quickly to increases in the number of refugee claims from countries that are not typically a source of refugees. In particular, the files of claimants from most countries of the European Union will be processed in about 45 days.

[English]

Claimants who are not from designated countries of origin would also have their hearing timelines accelerated. It is proposed that these hearings would be scheduled within 60 days of being referred to the IRB. Compare this to the more than 1,000 days under the current system.

The United Nations High Commissioner for Refugees has said it is entirely appropriate for an asylum system to accelerate the treatment of claims from countries not known to normally produce refugees. This is a standard feature of most other asylum systems in Western, liberal, democratic countries, including the United Kingdom, France, Germany and Switzerland.

The determination of countries to be designated will be determined based on objective criteria clearly outlined in legislation and ministerial order. Criteria include quantitative criteria, such as a high number of withdrawn, abandoned and rejected claims; and qualitative criteria, including an independent judicial system, democratic rights and freedoms, and the existence of independent civil society organizations.

A country will only be designated after a thorough review.

[Translation]

Honourable senators, it is crucial that the process to designate countries of origin be simplified so that we can quickly process the wave of refugee claims filed by people who live in countries that do not usually produce refugees.

[English]

Indeed, the success of the new system hinges on our ability to speed up the current processing times for refugee claims. The ability to designate countries of origin plays a key role in our efforts. It is important to note, however, that whether or not a country is designated, every eligible refugee claim would continue to receive a hearing before the independent Immigration and Refugee Board on the merits of their case.

Let me reiterate, because this is a very important point: Each and every eligible claim, regardless of country of origin, will continue to be heard by the independent IRB. In addition, every

failed claimant will have access to at least one recourse mechanism, such as the Refugee Appeal Division or the Federal Court.

These new processing timelines would mean that we could more quickly remove individuals who are not in need of Canada's protection. Just as important, it means that people who are in genuine need of Canada's protection would receive it more quickly. This is a goal that all honourable senators should support.

[Translation]

Honourable senators, Bill C-31 will also help the government crack down on people who engage in human smuggling. After all, curbing dangerous and nefarious activities like human smuggling must be part of our efforts to protect the integrity of our system.

[English]

In 2010, Canadians were given a stark reminder that Canada is not immune to organized crime groups intent on lining their pockets with the proceeds of human smuggling. The arrival of the migrant vessel, the *Sun Sea*, came less than one year after the arrival of the *Ocean Lady*. The fact that these two ships landed on our shores less than 12 months apart clearly demonstrates that human smuggling networks are targeting Canada as a destination and that they can use the generosity of our immigration system and the promise of a new life in Canada as a means to profit.

More recent events remind us that, to this very day, criminal human smugglers continue to target Canada. Just a few weeks ago, a human smuggling operation was dismantled in Togo. A large number of people were in Togo waiting to board a ship to come to Canada. With the hard work of authorities there and in other countries, including Canada, this trip never took place.

The recent capsizing of a small boat off the coast of Nova Scotia reminds us that these dangerous voyages too often end in tragedy. Every year, countless people die before they reach their destination.

[Translation]

Bill C-31 includes major reforms to prevent criminals and organized crime groups from participating in dangerous and illegal human smuggling operations and will ensure that such operations do not endanger the lives of Canadians.

[English]

Bill C-31 would crack down on criminal human smugglers by enabling the Minister of Public Safety to declare the existence of a human smuggling event, making it easier to prosecute criminal human smugglers, imposing mandatory minimum prison sentences on convicted human smugglers; and to hold ship operators and owners to account for use of their ships in dangerous human smuggling operations.

In regard to the detention provisions, it is incumbent upon any responsible government to ensure the safety and security of Canadians. Individuals entering the country must be identified and their risk assessed before they are released into the public.

On both the MV *Sun Sea* and *Ocean Lady*, there were several people who were determined to be inadmissible for security reasons or for having committed war crimes.

• (1540)

Canadians do not want people like that left to roam free. Detention is necessary in order to protect safety and security. I would note, in response to stakeholders' concerns, that the government acted in good faith, in the best interests of Canadians, and introduced amendments to the original detention provisions of the bill. People who arrive as part of a designated, irregular arrival would still face detention. However, a detention review would be conducted within 14 days by the IRB, with subsequent detention reviews every six months thereafter.

As well, designated foreign nationals who are under the age of 16 would be excluded from detention. Also, once an individual's refugee claim has been approved, that individual would be released from detention.

Furthermore, the minister has the discretion to release from detention smuggled migrants for whom there is no longer a reason to remain in detention.

However, we now know, from the experiences of other countries, that dealing with the push factors alone will not effectively deal with this issue. The pull factors must also be addressed so that individuals no longer choose to pay criminal human smugglers tens of thousands of dollars to come to Canada. That is why Bill C-31 also includes measures that prevent those who come to Canada as part of a human smuggling event from applying for permanent resident status for a period of five years if they are granted refugee status. It also prevents individuals from sponsoring family members for five years.

[Translation]

Honourable senators, these measures, which will allow us to crack down on human smugglers, are strict, but they are fair and necessary.

Finally, honourable senators, the measures proposed in Bill C-31 require some foreign nationals from countries whose citizens need a visa to provide biometric data when applying for a visitor visa or a study or work permit.

[English]

Under the existing system, visa applicants only need to initially provide written documents to support their applications, but biometrics — photographs and fingerprints — would provide greater certainty in identifying travellers than would documents, which can be forged or stolen. The legislation and regulations that would follow would allow the government to make it mandatory for travellers, students and workers from certain visa-required countries and territories to have their photographs and fingerprints taken as part of their temporary resident visa, study permit and work permit applications.

The use of biometrics would strengthen the integrity of our immigration program. Unfortunately, there are countless examples of serious criminals, human smugglers, war criminals

and suspected terrorists, among others, who have entered Canada in the past, sometimes repeatedly, even after having been deported. As fraudsters become more sophisticated, biometrics will improve our ability to keep violent criminals and those who pose a threat to Canada out.

Foreign criminals will now be barred entry into Canada thanks to biometrics. It will be an important new tool to help protect the safety and security of Canadians by reducing identity fraud and identity theft. In short, biometrics will strengthen the integrity of Canada's immigration system and help to protect the safety and security of Canadians while helping to facilitate legitimate travel.

The use of biometrics would be beneficial to applicants themselves because it would facilitate entry into Canada by providing a reliable tool to readily confirm the identity of applicants. For instance, in cases where the authenticity of documents is uncertain or in doubt, biometrics could expedite decision making at Canadian ports of entry. Using biometrics could also protect visitor visa or permanent applicants by making it more difficult for others to forge, steal or use an applicant's identity to gain access into Canada.

Using biometrics will also bring Canada in line with other countries that already use biometrics in their immigration programs, such as the United Kingdom, Australia, the European Union, New Zealand, the United States and Japan, among others.

Honourable senators, Canada has a generous and fair immigration system that is the envy of the world. It has served Canada well, and it has also served well those who have come into our country legitimately. Bill C-31, including the amendments that we have proposed, would protect Canada's very generous immigration system. The proposed measures in this bill are necessary to protect its integrity.

[Translation]

These measures ensure a good balance between the safety of Canada and its citizens and the protection of people who need our protection and whom Canada will continue to protect. At the same time, these measures will help us to more quickly remove people who are abusing the system.

[English]

I urge all honourable senators to support this worthy bill and to help to ensure its speedy passage.

Hon. Mobina S.B. Jaffer: Honourable senators, I rise before you to speak, at second reading, on omnibus Bill C-31, which is an act that will deal with, first, our refugee system, second, human smuggling and, third, biometrics. Bill C-31 raises many questions, and I cannot do justice to all of them.

I hope that we can study the various aspects of the bill more carefully in committee.

Honourable senators, exactly 40 years ago this year, my family and I became homeless. We lost all of our possessions and the right to live in our country. The world came to the rescue of Ugandan Asians. The United States, Europe, Australia and

Canada came to our aid. In fact, Denmark went the extra mile. They offered to give asylum to all people suffering from disabilities. Ugandan Asians were very lucky. Today, I want to take this opportunity to thank all of the countries, especially Canada, for granting us asylum. Thank you very much for giving us asylum and helping us to become a part of your countries. You came to our rescue, when our own country abandoned us, by welcoming us into yours.

I often think of what would have happened to my family if we had not been granted asylum. I can tell you that, from what we were being told by Idi Amin Dada, we would have suffered a terrible fate if we had not been given asylum.

My greatest fear is that one day Canadians, who are very fair-minded people, will close their door to refugees if they feel that the refugee system is being abused. Therefore, I will be the first one to state that there must be a fair, consistent, efficient system in our country. I want the refugee system to have integrity as I never want the door to be slammed in the face of deserving refugees, refugees who need Canada's help when they are fleeing persecution. Bill C-31 represents our government's attempt at protecting the integrity of Canada's immigration system by helping to ensure that it is fair, consistent and efficient.

Unfortunately, this bill fails to meet each and every one of these objectives. Not only does it fail to strengthen our current immigration system but it also contains provisions that are unconstitutional and that directly contradict Canada's international obligations.

In summary, this bill will authorize the minister to designate as an irregular arrival the arrival of a group of persons and to provide for the designation of a foreign national in relation to detention, applications of permanent resident status and limit sponsorship of families.

This bill will completely change the way we process our refugees.

Honourable senators, today there are about 15 million refugees around the world. In 2010, the UNHCR issued 108,000 applications for refugee settlement. Of those, 100,000 were resettled, and 12,000 of those came to Canada. Resettled refugees represent 0.1 per cent of the world's refugees. The average waiting time in camps is 17 years.

I want to highly commend Minister Kenney for increasing, by 20 per cent, the number of resettled refugees. I have always advocated that we need to accept more refugees who have been identified in camps as refugees.

• (1550)

Minister Kenney stated:

I am pleased to say our government is increasing by 20% the number of resettled refugees, UN convention refugees who are living in camps in deplorable circumstances around the world. We will now accept them and give them a new life

and a new beginning here in Canada. We are also increasing by some 20% the refugee assistance program to assist with the initial integration costs of government assisted refugees who arrive here.

I also believe that if we increase the number of refugees from camps, we create hope for them, and they do not have to further endanger their lives in finding ways to come to Canada.

Honourable senators, my main concern with this bill is that in the event that it passes, our Canada will become very different. Bill C-31 will change the face of Canada as we know it, tarnishing a reputation that has taken decades to build.

A vote to pass Bill C-31 would be a vote against tolerance, acceptance, compassion and justice, all of which are principles that our great country prides itself on.

A vote to pass Bill C-31 is a vote to create a two-tiered refugee system, one that does not provide all refugee claimants with a fair hearing based on the facts of the individual cases and one that discriminates against refugees based on their old country of origin.

A vote to pass Bill C-31 is a vote in favour of treating refugees who have been victims of torture, abuse, persecution and gender-based violence as criminals, rather than as victims.

A vote to pass Bill C-31 is a vote to pass a piece of legislation that directly violates the Canadian Charter of Rights and Freedoms and directly contradicts a number of Canada's international obligations.

Finally, a vote to pass Bill C-31 will be a vote in favour of sending 16-year-old children, who have come to our country desperately seeking refuge, to jail-like detention centres for a minimum of six months.

Honourable senators, this is not the Canada that I know. This is not the Canada that 40 years ago welcomed my family when we desperately sought refuge.

Although several aspects of this bill are incredibly troubling, today I will focus on a few things that are of particular concern to me. First, I will set out how several provisions of this bill are unconstitutional. Second, I will proceed to examine the harmful effect that this legislation will have on children. Third, I will discuss how this bill allows for genuine refugees to be treated as criminals rather than as victims. I will conclude by briefly touching upon several other aspects of this bill that will require further review and study; and then I will talk about biometrics.

I remind honourable senators of a landmark decision for Canada's refugee determination system. Harbhajan Singh claimed refugee status on the basis that he had a well-founded fear of persecution in India. Unfortunately, Mr. Singh was denied status by the Minister of Employment and Immigration on the advice of the Refugee Status Advisory Committee. Mr. Singh challenged the arbitration proceedings under the Immigration Act on the basis that it violated section 7 of the Canadian Charter of Rights and Freedoms and violated section 2(e) of the Canadian Bill of

Rights. The government claimed that since he had no status within the country, he was not subject to the charter. The Supreme Court of Canada agreed with Mr. Singh and held that the Charter of Rights and Freedoms was applicable to refugee claimants.

Sadly, Bill C-31 is a contradiction of the *Singh* decision as it does not provide refugee claimants with the rights that they should be guaranteed under the Charter of Rights and Freedoms. For example, section 7 of the Charter states that everyone has a right to life, liberty and security of the person. However, Bill C-31 can potentially deny genuine refugees access to family, which violates security of the person. In addition, this bill can also lead to increased detention periods, which violates one's rights to liberty. Section 9 of the Charter states that individuals have the right not to be arbitrarily detained. However, Bill C-31 imposes a detention period without review until the expiration of six months and fails to uphold the right as the minister is not held accountable for the prolonged detentions.

Finally, section 10 of the Charter states that an individual is guaranteed the right to prompt review of detention. However, under Bill C-31, if an individual is identified as a designated foreign national, they are detained and eligible for review only after six months, which is in contrast to the Immigration and Refugee Protection Act, which states that foreign nationals should receive a review 48 hours after they have been detained. To be clear, there is a review within 14 days. After 14 days, the next review would be six months later. Unfortunately, under Bill C-31 this definition is not honoured as every individual over the age of 16 years is treated as an adult and, as a consequence, can face unwarranted arrest and detention under this bill. Moreover, Bill C-31 contains several provisions that are incredibly harmful to asylum-seekers and refugees and that unfairly target children and their families.

Honourable senators, does the Canada you know deny constitutional rights to individuals based on the country they emigrate from? Does the Canada you know create laws that directly contradict our international obligations? This is certainly not the Canada I know.

Bill C-31 will give the minister power to impose penalties on designated foreign nationals who arrive as a group, such as mandatory unreviewable detention for six months, including detention of a 16-year-old child. As well, there will be a five-year prohibition on applying for permanent resident status, even if the person has succeeded in becoming a convention refugee, has obtained travel documents, or is recognized as a convention refugee with no possibility of reuniting with family for five years.

There will be no right to appeal a decision to refuse to grant refugee protection. This is contrary to our Charter of Rights and Freedoms, which guarantees the right to life, liberty and security.

Proposed changes to section 31 violate international law. The 1951 Convention Relating to the Status of Refugees and the Charter are the anchors of our refugee system. Article 31(1) of the 1951 convention specifically states that no country will impose penalties on refugees on account of illegal entry. This article was included in the treaty specifically because it was understood that people seeking refuge could be in breach of immigration law.

With regard to children, another aspect of Bill C-31 that I find to be exceptionally troubling is the impact that this legislation will have on children. Many people in Canada are not aware that right here in Canada children are routinely held in detention. In December 2008, 61 children were detained, 10 of them unaccompanied as they arrived without a parent. In 2008, a 16-year-old refugee spent 25 days in detention. He suffered a lot in detention and was forced to deal with several physical and emotional challenges. In 2009, a 3-year-old boy was detained with his mother for 30 days. He had difficulty eating and sleeping while in detention. Over 40 children who arrived by boat in B.C. were detained even though they had spent three months on a dangerous journey where they lived in deplorable conditions. They were in detention for over six months.

Children of 16 years will be detained and, as is the current practice, younger children will be either informally detained with one parent or put in state care.

Children in mandatory detention in Australia have developed severe mental illnesses and have attempted suicide. A study in the U.K. has shown that there is great harm caused to children in detention. Both the United Kingdom and Australia have implemented policies very similar to the ones we are debating today. However, both Australia and the United Kingdom later rescinded these policies as they realized the detrimental effects they had on children who were desperately seeking asylum. Having proof that policies of this nature are clearly harmful to children, we must ensure that we learn from the mistakes of other nations and that we do not neglect to properly assess the impact these provisions will have on children.

Honourable senators, Canada is a signatory to the United Nations Convention on the Rights of the Child and has made a commitment to always ensure that civil, political, economic, social, health and cultural rights are protected. As a country, we have an obligation to honour that commitment and do everything we can to protect the world's most vulnerable population, our children.

• (1600)

The United Nations Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18.

Honourable senators, the fact that this bill calls for the unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all my honourable colleagues to revisit these provisions and to adopt the definition of a child that reflects the one set out in the UN Convention on the Rights of the Child, adjusting the age requirements from 16 to 18 years.

In its present form, Bill C-31 violates Article 37 of the United Nations Convention on the Rights of the Child, which states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time . . .

It is of the utmost importance that the provisions of Bill C-31 that call for the detainment of children ages 16 and 17 be amended. By adjusting the age by two years we would ensure that children are not unfairly targeted by this bill.

Honourable senators, we cannot accept that a child who has fled his country because he was being persecuted should face imprisonment in our country. That is absolutely unacceptable.

In addition, under provisions of Bill C-31 that discuss irregular arrivals, children who are 16 and 17 years of age who would under this bill face mandatory detention will also be separated from their families, as facilities are segregated by gender, meaning a child would be unable to be accompanied by both parents. This is in direct contradiction of Article 9(1) of the UN Convention of the Rights of the Child, which discusses forced separation when stating:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents . . .

We must remain mindful that, when dealing with children, it is our responsibility to always protect their interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres where they will experience a heightened risk of suffering from several mental and behavioural health issues, not to mention the emotional distress of being in a new country separated from their loved ones.

Bill C-31 calls for 16- and 17-year-old children to be detained and forced into a detention centre. Is this the Canada you know? Bill C-31 drives a wedge between families, separating mothers from their sons, fathers from their daughters and brothers from their sisters. Does the Canada you know place this type of burden on families who have already lost everything? Families who have come to Canada in search of safety, protection and opportunity? This is certainly not the Canada I know.

Honourable senators, Bill C-31 also treats refugees as criminals rather than as victims.

International law recognizes that refugees often have no choice but to enter a country of asylum illegally. The Refugee Convention therefore prohibits governments from penalizing refugees who enter or remain illegally in their territory. For a refugee, false documentation may be the only way for an individual to flee persecution in their country.

Canada recognizes this in section 133 of its current Immigration and Refugee Protection Act. Bill C-31 would allow the minister to deem a group an irregular arrival if the identity of the individuals in the group cannot be determined in a timely manner or if there is a suspicion of human smuggling or criminal activity. The fact that refugees may have or use false documents

makes them more prone and vulnerable to being declared a designated foreign national because such documents could impede the minister's ability to identify an individual in a timely manner.

Therefore, Bill C-31 has the potential to treat individuals who are genuinely seeking asylum or refuge as criminals rather than victims.

More specifically, included provisions discussing irregular arrivals state that children 16 years or older can be detained and that children under 16 years of age can be separated from their families without any obligation on the federal government to appropriately justify this detention. This is not only unconstitutional but also a direct contradiction of Canada's international obligations.

The minister's ability to designate groups as irregular arrivals puts at risk those who are genuinely seeking refuge. Under this legislation, a genuine refugee may be identified as being part of an irregular arrival and thus be deemed a designated foreign national.

The minister can designate an arrival as irregular based on one of two criteria: if an individual is found to be with a group of two or more individuals that includes persons whose identities cannot be established in a timely manner, or if the minister has reasonable grounds to suspect that the vessel in which they arrived is engaged in human smuggling or criminal activity.

As a result, genuine refugees could be subjected to harsh penalties that are imposed on designated foreign nationals. In this sense, designation is not based only on the context of alleged smuggling but also on the absence of sufficient bureaucratic resources to process arrivals. In addition, only the Minister of Public Safety can make this designation, and it is not subject to parliamentary oversight, nor is it possible for the subject to appeal such a designation.

Unfortunately, for an individual who is identified as a designated foreign national, even if the individual is eventually found to be a genuine refugee, the consequences include mandatory detention of up to six months, the inability to apply for permanent residence for five years and being prohibited from sponsoring family members for five years.

Here I think it is of great importance that we examine the definition of "irregular arrival" that this bill adopts. When doing so, we must remain mindful that given Canada's geographic location, asylum seekers and refugees often have no choice but to arrive by ship. As I am sure you will all understand, arriving by plane without having the proper papers is difficult if not impossible. Therefore, asylum seekers often have no choice but to enter by ships that would have to carry many people at a time to set sail.

We are all aware that when a person is fleeing their country, they may not even have access to their documents.

Further, to enter Canada from most countries, you need a visa, which may not be an option for the refugee, so they end up desperately seeking the support of unsavory people and travelling with false documents.

We know that they often do not have the option to flee with the correct documents, so when they arrive here under Bill C-31, we will detain them.

How can we detain refugees?

Honourable senators, in 1972, my entire family was forced to flee Uganda, the country of my birth and my father's birth, and we sought refuge in Canada. I cannot begin to express to you the fear, desperation and helplessness that my family and our community were overwhelmed with. We were forced to leave the only home we had ever known with nothing but the clothes on our backs. We feared for our lives and for our safety and prayed that we would escape safely and be given the opportunity to rebuild our lives. Just before we fled, my husband, Nuralla, was detained. I almost lost him. We lived in a village very far from the airport. It took us hours to reach the airport. At every army checkpoint, I was petrified that once again Nuralla would be detained. The indignities we suffered on the way to the airport are something we still have not dealt with.

I consider myself extremely fortunate to have been welcomed into Canada, a country that is internationally recognized as being compassionate, accepting and tolerant. I am extremely grateful to call myself a Canadian and represent my province of British Columbia in the Senate of Canada.

Unfortunately, Bill C-31 violates the fundamental human rights of those desperately seeking refuge and asylum.

• (1610)

As a woman who once sought refuge, I understand what courage and sacrifice it takes to leave the only country you have known and start a new life in a foreign and unknown land. Several factors lead one to seek refuge or to emigrate to a new country. Over the past several decades, political upheavals, conflict, persecution, climate change, food and economic crises have motivated individuals from all walks of life to immigrate to Canada, a country full of opportunity and promise.

Not only does Bill C-31 fail to recognize the dangerous and life-threatening circumstances that many men, women and children are confronted with, it also makes these individuals feel unwelcome and treats them as though they were criminals rather than victims.

Honourable senators, does this sound like the Canada we know? Does the Canada we know turn its back on those who desperately need assistance, denying them having their cases heard in a fair trial? Does the Canada we know allow the cries of mothers who are desperately looking to protect their children fall upon deaf ears?

Biometrics is a very important thing. In 2002, when the Liberal Party was in government, I was very much involved with the issue of biometrics. I commend the minister for again looking at this issue. This is an important step, because there is a very legitimate case to be made about implementing biometrics for people who enter our country, as well as for people who are deported from our country so that they do not re-enter. Countries all over the

world are implementing biometrics. At committee, we will investigate the framework of how biometrics will be set up and what steps will be taken to protect the privacy rights of refugees.

As I have already stated, Bill C-31 is an omnibus bill, and it covers many issues that I would like to bring to the attention of honourable senators. However, I will not be able to present them fully, as I have very limited time left. However, there are several issues that I would like to briefly touch upon, issues I hope we will be able to study in detail, such as family reunification.

I would like to start with family reunification. A refugee is forced to leave many things behind when he or she flees: their home, their belongings, their friends, but most importantly their family. Recognizing the tremendous loss this would be for a person to have to endure, the drafters of the 1951 Refugee Convention specifically stated that family unity is an essential right of the refugee.

Bill C-31 makes a refugee wait for five years after they have been accepted as a convention refugee, which realistically could end up translating into eight years until they can be reunited with their families. Forced family separation for individuals granted refugee protection in Canada causes great harm not only to the refugee but also to their family, causing numerous challenges and emotional and mental distress.

This is worse for the child who has arrived in our country and will be forced to be without a family for a very long time, thus denying the child the love, care and guidance of his or her family. This is contrary not only to the Refugee Convention but also to the UN Convention on the Rights of the Child.

Another point of concern is provisions of Bill C-31 that deny for five years the application process for permanent residency. The 1951 Refugee Convention clearly states that we are obliged to facilitate the naturalization of refugees. By imposing a five-year delay before a designated foreign national found to be a convention refugee can apply for permanent residence, Bill C-31 violates Article 34 of the 1951 Refugee Convention.

Regarding the appeal process, honourable senators will very clearly remember that, not so long ago, we all accepted the last immigration bill introduced by Minister Kenney here in the Senate that was brought before us as the minister was going to be implementing an appeal process. This was supposed to be implemented in June. Now this process will not be implemented as we expected.

Bill C-31 restricts access to Refugee Appeal Division for designated country of origin claimants designated foreign national claimants who came to Canada via a safe third country and claimants whose refugee claims have not been found to have a credible basis. Restricting the right to appeal these decisions is punitive and unfair, especially in the light of the commitment the minister himself made to us in the Senate last year.

There are also compressed timelines. Bill C-31 amends the process leading to an initial hearing by the Refugee Protection Division. The timelines for the process will be drastically shortened. Now once the claimant makes a claim within 15 days they have to

submit a basis for a claim form. The current timeline is 28 days. Having prepared hundreds of these forms, I can personally attest to the fact that this is an extremely important fact-gathering exercise, one that takes a very long time as one needs to build trust with the claimant before one can properly fill out the forms.

Bill C-31 gives the power solely to the minister, where before it was to an advisory committee, to decide which countries are designated countries of origin or safe countries. Claimants from these countries will be subjected to serious procedural disadvantages, namely truncated processing times at the Refugee Division, denial of access to appeal, and potential deportation before the judicial review application is decided.

This is incompatible with sections 7 and 15 of the Charter.

Another issue is denying health care to refugees. Under this provision, there will also be no medication provided to refugees, as there have been drastic cuts to the Interim Federal Health Program without any consultation with the provinces. Therefore, a refugee will be denied medication for common illnesses, such as diabetes, cancer or heart disease.

Honourable senators, Canada has a very proud and well-earned reputation for being exceptionally tolerant and an accepting nation, a nation that has always been generous to those who have sought refuge and protection. However, this has not always been the case. Our government once imposed a head tax on all Chinese immigrants, refused to allow African farmers to immigrate to our country, and incarcerated Ukrainians and later Italian and Japanese Canadians. We have before us in the Senate a motion introduced urging the government of Canada to officially apologize to all of those individuals who were targeted by Canada's discriminatory policies and who were turned away from entering Canada in 1914.

Our government has realized their wrongdoings and has chosen to redress these historical wrongs. Our government has worked hard for decades to be perceived as a nation that is based on the principles of justice, equality, fairness, acceptance and tolerance.

Bill C-31 does not reflect these principles. Bill C-31 does not right historic wrongs; instead, it repeats them. Bill C-31 will change the way the international community perceives our great nation, tarnishing a reputation that has taken almost a century to build. Bill C-31 will change the face of Canada as we know it.

When studying this bill, I thought of my family. If my family did not have the largess of Canadians and had not been welcomed here, and if we had turned up 40 years ago, if Bill C-31 was in place, what would have happened to us? There were 10 of us who arrived on the shores of Canada. We would have been a group. This bill states that if you arrive in a group consisting of more than two persons, you would be detained. We would have been placed in jail-like detention centres. My two younger sisters, despite the fact that they were under the age of 18, would also have been detained. Although my son, who was just a year old,

would not be detained with us under this bill, he would be separated from our family and placed in state care, which for a mother is unimaginable.

Honourable senators, over the last year, I have run into many Somalians in Africa who are fleeing. Many African countries are giving thousands of Somalians sanctuary. Under Bill C-31, if a 16-year-old Somali boy arrives on Canadian shores, we will detain him for six months. Then, if he is found to be a refugee, we force him to wait five years before he can apply for permanent residency or before he can be reunited with his family.

The United Kingdom and Australia have abandoned their policy of detaining 16-year-olds. Let us also not detain 16-year-olds.

We will also deny them essential medicines.

Honourable senators, I know the committee will study this bill very carefully. Although I am in agreement that we need to establish a balanced and fair immigration system, we must ensure that we continue to be a country that is internationally recognized as being compassionate and humanitarian.

I urge all honourable senators to study and debate Bill C-31 carefully and to stay true to our values, which make us proud to say we are Canadian.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question? It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Tkachuk, that Bill C-31 be now read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Martin, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, it being past 4 p.m., and the Senate having come to the end of Government Business, pursuant to the order adopted on October 18, 2011, I declare the Senate continued until Thursday, June 14, 2012, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, June 14, 2012, at 1:30 p.m.)

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SENATE



SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT

• VOLUME 148

• NUMBER 91

OFFICIAL REPORT
(HANSARD)



Thursday, June 14, 2012

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Thursday, June 14, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

MR. PHIL LIND

CONGRATULATIONS ON INDUCTION INTO AMERICAN CABLE HALL OF FAME

Hon. Donald H. Oliver: Honourable senators, I am honoured to rise today to pay tribute to one of Canada's leading cable, broadcasting and telecommunications pioneers, Mr. Phil Lind of Toronto.

On May 21, Phil Lind of Rogers Communications was inducted into the prestigious American Cable Hall of Fame, along with other notable honourees, including TV personality Larry King. Since 1998 only 90 men and women have been inducted into the Cable Hall of Fame, and Phil Lind is only the third Canadian to join this impressive group.

I attended a private reception in Toronto last week in recognition of this great honour. The name Phil Lind is synonymous with success. He is a visionary and an innovative Canadian businessman. For some four decades, he was the late Ted Rogers' business partner and helped make Rogers Communications one of Canada's top telecommunications companies.

When Phil Lind joined Ted Rogers in 1969 they had two small radio stations and 1,500 cable subscribers. Today Rogers Communications has more than 30,000 employees serving more than 9 million customers, 56 publications, 55 radio stations and 20 TV stations across Canada, in addition to being the owner of the Toronto Blue Jays and the Rogers Centre.

Phil was not inducted into the Cable Hall of Fame for his business accomplishments in Canada. Rather, he was inducted for his tireless efforts in Rogers' expansion into the U.S. market. In 1980, after Rogers acquired the two largest cable systems in Canada, the CRTC basically told Rogers that would be the last acquisition it would approve for some time. Therefore, the only way Rogers could grow was if it turned its attention to the United States.

In 1981 Rogers started to operate in the U.S. cable market, winning franchises in Orange County, California, Minneapolis and Portland and purchasing the cable systems in San Antonio. At this point, Rogers was the world's third largest cable company.

As Phil said at the Toronto reception:

Without this venture into the U.S., we would not have been able to become the company that we are today.

At dinner Phil talked about his relationship with Ted Rogers and how, as he said:

We were joined at the hip in terms of growing the Rogers company . . . Growth was my key mission.

Honourable senators, it is clear that Phil and Ted fulfilled their mission.

I have always been impressed with what Phil did to promote diversity. He was a driving force who championed the development of multilingual, multicultural and specialty programming and services in Canada. Despite a massive stroke years ago, Phil never slowed down and is still determined to make Rogers Communications Canada's number one telecommunications company.

Honourable senators, I hope you will join me in paying tribute to Phil Lind on his richly deserved induction into the American Cable Hall of Fame.

THE HONOURABLE DONALD H. OLIVER

CONGRATULATIONS ON HONORARY DOCTOR OF LAWS DEGREE FROM YORK UNIVERSITY

Hon. Yonah Martin: Honourable senators, following our honourable colleague, I rise today to pay tribute to him, the Honourable Senator Donald H. Oliver.

On Tuesday afternoon, Senator Oliver received an Honorary Doctor of Laws Degree from York University in Toronto. This is his fourth honorary degree.

York University honoured Donald Oliver for being a committed leader devoted to building safe, culturally vibrant and economically prosperous communities with a passion for life and justice.

The citation at the convocation ceremony said, in part:

Senator Donald H. Oliver has devoted his lifetime to the championship of visible minorities and to combating discrimination in its many, overt and subtle forms. Senator Oliver has provided policy leadership in government and the business sector while concurrently broadening public discourse and challenging politicians, managers, citizens, students and future leaders to engage with the full sense of the term diversity and the broadest sense of ethical obligations to others.

. . . Raising both awareness and funds, he was the motive force behind the Conference Board of Canada's comprehensive and transformative report of the barriers to the advancement of visible minorities in Canada's public and private sectors.

Honourable senators, allow me to share with you some of our colleague's exceptional achievements in a career that spans five decades.

He graduated from Acadia University with a B.A. cum laude in history in 1960. In 1964, he graduated with a law degree from Dalhousie University as a Sir James Dunn Scholar. He was the third Black Nova Scotian to receive a law degree.

• (1340)

Senator Oliver practised law for 25 years as a civil litigation lawyer in Halifax with Stewart McKelvey Stirling Scales.

Donald Oliver is a widely respected community leader who has served on the board of more than 25 charitable organizations, including as chairman and life director of the Neptune Theatre Foundation, lifetime honorary governor of the Art Gallery of Nova Scotia, chairman of the Halifax Children's Aid Society and Atlantic chairman of the Canadian Council of Christians and Jews.

He played a key role in establishing the Society for the Protection and Preservation of Black Culture in Nova Scotia in 1983, for which he became the founding president and first chairman.

In 1990, he was summoned to the Senate on the recommendation of former Prime Minister Brian Mulroney, and thus became the first Black man in Canadian history to be appointed to this chamber. Twenty years later, he became the first visible minority appointed Speaker *pro tempore* of the Senate.

Senator Oliver has chaired more than six standing committees, including Transport and Communication, National Finance, Agriculture and Forestry. He played a leadership role as chair of the Legal and Constitutional Committee in 2006 when Prime Minister Harper introduced the Federal Accountability Act.

One of Senator Oliver's career highlights came in 2005, when he spearheaded the largest, most comprehensive study ever conducted in Canada on barriers to the advancement of visible minorities in the workforce.

Honourable senators, I will end by saying that I am reminded of a quote: Do not go where the path may lead; go instead where there is no path and leave a trail.

Don, you are indeed a trailblazer. Congratulations.

Please join me, honourable senators, in congratulating Senator Oliver on receiving an honorary doctorate from York University.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Darin King, Minister of Fisheries and Aquaculture for

Newfoundland and Labrador, who is accompanied by his deputy minister, Alastair O'Reilly, and his director of communications, Brad Power.

On behalf of all honourable senators, minister, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

YUKON

SEVERE FLOODING

Hon. Daniel Lang: Honourable senators, I rise today to bring to your attention the events in Yukon during the past week. I realize that my region seems remote to some and does not usually make the national news. That is why, honourable senators, I want to make you aware that this past week, the region of Yukon experienced major flooding, resulting in damage in the multi-millions of dollars. It will take weeks, if not months, for this to be fully rectified and repaired. For many of you, it will bring back memories of the floods in the past number of years in Quebec and Manitoba.

Honourable senators, the seriousness of this situation cannot be overstated. An official with the Yukon Department of Environment explained the flooding as a "perfect storm." The winter snowpack was 50 per cent deeper than normal. Combined with a late spring and a rainfall exceeding 70 millimetres, this caused river levels to rise and flood all highways, with the exception of one, and wreaking havoc.

Most notably, the Alaska Highway, the main route from Alaska to the continental United States, and the South Klondike Highway, which is Yukon's lifeline to the Alaskan Panhandle, were both washed out. This resulted in halting the delivery of supplies and necessities to many of our communities and commerce, in many cases, came to a shuddering halt.

By Sunday of this past week, most grocery store shelves in our capital city of Whitehorse were bare and food was airlifted into our community. Not only were highways flooded, but many homes near the rivers have been lost or suffered significant damage. I say this because there is a human element to these events, and I want to emphasize the devastation that a natural disaster inflicts on the residents.

After a long and stressful week, the situation is slowly turning around. Flood waters are receding, trucks are delivering food and fuel, and grocery stores will soon be restocked. Throughout this entire ordeal, the people of Yukon have banded together, putting up friends and families who needed to evacuate their homes. River levels appear to be returning to normal, and those affected by the flood should be able to return to their homes in the near future.

I want to conclude by giving kudos to the Yukon government, the Department of Public Works and the Emergency Management division, who have remained on top of the situation at all times and are working tirelessly along the highways and affected areas.

MRS. ELIZABETH LEE**CONGRATULATIONS
ON EIGHTY-SEVENTH BIRTHDAY**

Hon. Fabian Manning: Honourable senators, I would like to take a moment today to pay tribute to a very special lady.

Today, June 14, 2012, Mrs. Elizabeth Lee of Riverhead, St. Mary's Bay, Newfoundland and Labrador, is celebrating her eighty-seventh birthday. "Mrs. Elizabeth," as she is affectionately called, is well known and respected by all who have had the privilege to be in her company.

Mrs. Elizabeth has made a significant contribution to the Royal Canadian Legion, Dermot Lee Memorial, Branch 62, in Riverhead, St. Mary's Bay. 2012 will be her twenty-fifth year as a member of the legion executive. She has held many positions on various committees since 1986. She was also president from 1992 to 1994.

She still holds the office of immediate past president and is chairperson of the Seniors Committee. The Royal Canadian Legion, Branch 62, is very proud to say they have an 87-year-old lady who continues to volunteer her services to the community.

Mrs. Lee has been an inspiration to all members of the executive of Branch 62 over the years and has always been looked upon with the utmost of respect. Her husband, the late Dermot Lee, was the founding president of the branch in 1968.

Comrade Elizabeth Lee has been a member of the Royal Canadian Legion Ladies' Auxiliary, Branch 62, for 41 years. She and her husband Dermot Lee were the first presidents, he of the legion and she of the Ladies' Auxiliary, when Branch 62 first opened its doors in 1968.

Mrs. Elizabeth received her lifetime membership in the Ladies' Auxiliary in 1990 and continues to take an active role in the legion and in her community. She attends every Newfoundland and Labrador Provincial Command Ladies' Auxiliary biennial convention, where she willingly lends her expertise and knowledge.

At the branch she is a truly great asset to the members. She attends all the annual general meetings and helps in guiding and directing memberships. She is ever so gracious in her approach to situations within the organization and the community. She is an active leader in Remembrance Day celebrations, where she is a visible participant in wreath-laying ceremonies.

Mrs. Elizabeth is always eager to speak with the youth of the community and is active in the school environment in delivering meaningful conversations to youth on their role in world peace and freedom.

It was indeed a great privilege for me, on the evening of Saturday, June 9, to be present at Branch 62 in Riverhead, to attend a large community gathering held to celebrate Mrs. Elizabeth's birthday.

At this event, I had the honour to present Mrs. Elizabeth with the Queen's Diamond Jubilee Medal and the Minister of Veterans Affairs Commendation, for her lifetime of service to her community, her province and her country. Our world is a much better place because of the presence of Mrs. Elizabeth Lee.

Mrs. Elizabeth is an inspiration to all of us, a humble and sincere person who has given above and beyond the call of duty for her entire life. She is a true and living example of giving from the heart.

I ask my fellow senators to join with me in wishing Mrs. Elizabeth Lee a very happy eighty-seventh birthday today.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the Speaker's gallery of Mr. Eugene Goodrich, a distinguished Canadian and recipient of Her Majesty Queen Elizabeth II's Diamond Jubilee Medal. He is a guest of the Honourable Senator Stewart Olsen.

On behalf of honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS**PUBLIC SECTOR INTEGRITY COMMISSIONER****2011-12 ANNUAL REPORT TABLED**

The Hon. the Speaker: Honourable senators, pursuant to section 38 of the Public Servants Disclosure Protection Act, I have the honour to table, in both official languages, the 2011-12 annual report of the Public Sector Integrity Commissioner of Canada.

NATIONAL FLAG OF CANADA BILL**ELEVENTH REPORT OF SOCIAL AFFAIRS, SCIENCE
AND TECHNOLOGY COMMITTEE PRESENTED**

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 14, 2012 [Translation]

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill C-288, An Act respecting the National Flag of Canada, has, in obedience to the order of reference of Wednesday, May 16, 2012, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN K. OGILVIE,
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Wallin, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1350)

[English]

PURPLE DAY BILL

TWELFTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 14, 2012

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-278, An Act respecting a day to increase public awareness about epilepsy, has, in obedience to the order of reference of Thursday, April 26, 2012, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Mercer, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[Senator Ogilvie]

THE ESTIMATES, 2012-13

SUPPLEMENTARY ESTIMATES (A)— ELEVENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2013.

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(On motion of Senator Day, report placed on the Orders of the Day for consideration later this day.)

CRIMINAL CODE

BILL TO AMEND—THIRTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Joan Fraser for the Honourable Bob Runciman, chair of the committee, tabled the following report:

Thursday, June 14, 2012

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-310, An Act to amend the Criminal Code (trafficking in persons), has, in obedience to the order of reference of Tuesday, May 15, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
For the Honourable Bob Runciman, Chair of the Committee

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Boisvenu, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[English]

BILL TO AMEND—FOURTEENTH REPORT
OF LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE PRESENTED

Hon. Joan Fraser, for Senator Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 14, 2012

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FOURTEENTH REPORT

Your committee, to which was referred Bill S-209, An Act to amend the Criminal Code (prize fights), has, in obedience to the order of reference of Thursday, April 26, 2012, examined the said Bill and now reports the same with the following amendment:

Clause 1, page 1:

Replace line 14 with the following:

“of the International Olympic Committee or the International Paralympic Committee and,”.

Respectfully submitted,

JOAN FRASER

For the Honourable Bob Runciman, Chair of the Committee

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Fraser, report placed and the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

ADJOURNMENT

MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, June 18, 2012, at 6 p.m., and that rule 13(1) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted for the motion to be moved now?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION TO THE REPUBLIC
OF CYPRUS, APRIL 19-26, 2012—REPORT TABLED

Hon. Grant Mitchell: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation in the parliamentary mission to the Republic of Cyprus, the next country to hold the rotating presidency of the Council of the European Union and the United Kingdom, held in Nicosia, Republic of Cyprus, and London, United Kingdom, from April 19 to 26, 2012.

[English]

CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE ASIA-PACIFIC
PARLIAMENTARY FORUM,
JANUARY 23-27, 2011—REPORT TABLED

Hon. Donald Neil Plett: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation at the Nineteenth Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Ulaan Baatar, Mongolia, from January 23 to 27, 2011.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the Governor General's gallery of the participants in an International Executive Training Program for Commonwealth Parliamentary Staff organized by the World Bank Institute and McGill University.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

[Translation]

ROYAL CANADIAN MOUNTED POLICE

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to how the allegations of sexual harassment and harassment generally can be better handled in the RCMP.

[English]

IMPORTANCE OF ASIA TO CANADA'S FUTURE PROSPERITY

NOTICE OF INQUIRY

Hon. Vivienne Poy: Honourable senators, I give notice that on June 20, 2012:

I will call the attention of the Senate to the importance of Asia to Canada's future prosperity.

• (1400)

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—CONTAINER REGULATIONS—STAKEHOLDER CONSULTATIONS

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate.

In Budget 2012, the government indicated that it will repeal regulations under the Canadian Food Inspection Agency related to container standards. According to the wording in the budget, the rationale behind this move is to enable industry to take advantage of new packaging formats and technologies while removing an unnecessary barrier for the importation of new products from international markets.

While this change may help some industries to modernize, it seems that for other industries these changes are not necessary and in fact will do more harm than good. Potato producers in Prince Edward Island and across Canada, for example, are already able to take advantage of new packaging technologies without these changes. Further, they are actually afraid that the repeal of these regulations could lead to volatility in the market, destabilizing the potato industry and leaving potato producers facing an uncertain economic future.

Did the government consult with Canadian potato producers about these changes? If not, why not?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I will take it as notice. This matter has also been raised with me by Senator Nolin. Changes are being made for the purpose of standardizing movement across borders. I undertake to ask for a written response from the Department of Agriculture on what impact studies or other documentation they have to support this change in the regulations.

Senator Hubley: I thank the minister for the answer.

I would like to share with honourable senators some of the facts that have been brought forward from the Canadian Potato Council.

Fact No. 1: The Canadian Potato Council and the Canadian potato producers, the council represents, were not consulted to provide input on the significance of the repeal of standard container regulations to our industry.

Fact No. 2: The import and interprovincial trade of potatoes already occurs in Canada.

Fact No. 3: The repeal of the standard container regulations will destabilize the Canadian potato industry.

Fact No. 4: The potato industry is already able to take advantage of new packaging formats and technologies.

Fact No. 5: Standard container regulations provide benefit to packagers and shippers, retailers and consumers.

Fact No. 6: Provincial potato markets will become unbalanced, resulting in economic hardship for producers and unstable prices for consumers.

Whom did the minister consult with, when, and where did that consultation take place?

To repeat, has the government considered the implications of these changes on various industries? Are there plans to work with potato producers and others in order to mitigate the negative impact that the repeal of these regulations could have on their industries and livelihoods?

Senator LeBreton: I thank the honourable senator for the question. As I mentioned, Senator Nolin has raised these matters with me and I have already undertaken to get further information.

The government is very interested in jobs, the economy, opening markets and getting involved with many other countries on the trade side. Therefore, everything we do as a government is intended to enhance market availability for all of our products.

As I indicated to Senator Nolin, I will seek further information from the Department of Agriculture on the processes that resulted in this action.

[Translation]

CANADIAN HERITAGE

CANADA PERIODICAL FUND

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, a few weeks ago, Senator Chaput and I asked questions in this chamber about the Canada Periodical Fund. We were told, both orally and in writing, that cuts had not been made to the overall program. I understand that funding for the program was maintained, but that was not the question.

Rather, the question pertains to the new formula being used by this program, which penalizes newspapers serving a specific readership that is scattered across a large geographic area, for example, *Le Franco* in Alberta, *La Liberté* in Manitoba and *Le Courrier de la Nouvelle-Écosse* in Nova Scotia. These newspapers have experienced major cuts under this formula. I am bringing this up again because the Minister of Canadian Heritage has still not responded to the requests for meetings from the editors of these newspapers.

Could the leader tell us why the minister is refusing to address the real problem, which is a funding formula that penalizes newspapers serving minority francophone communities?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the senator for the question. As she indicated, we did table a written response to her questions to me of a few weeks ago. Official languages minority publications have special eligibility exemptions under the Canada Periodical Fund. This has not changed. Publications are receiving more support than ever before under this program created by our government.

Our goal when we strengthened this program, as I believe I mentioned when I responded to this before, was to make it clear that we supported magazines providing readers with more quality stories and opinions and in the magazines of their choice. The government's policy has not changed on minority language publications, and the answer that I provided to the honourable senator stands.

[Translation]

Senator Tardif: Honourable senators, I have a supplementary question. Some newspapers could potentially receive more funding. I do not know anything about that. However, what I do know is that French-language publications in Manitoba, Ontario, Alberta and Nova Scotia may have to close their doors because of the changes that the Conservative government has made to their method of funding. These newspapers are pillars of the francophone minority communities they serve. The government has a responsibility to implement measures to support the development of these communities under the Official Languages Act.

Will the Minister of Canadian Heritage at least meet with the managers of the affected newspapers to discuss their concerns? How much longer is it going to take him to respond to the requests made by these newspapers?

[English]

Senator LeBreton: Honourable senators, I of course can speak for the government but not for individual ministers. I will make the honourable senator's concerns known to Minister Moore. That is all I can do at the moment.

[Translation]

Senator Tardif: This measure is raising concerns even among the ranks of the Conservative government. In a letter addressed to the Minister of Canadian Heritage, James Moore, the Conservative member for Saint-Boniface, Shelly Glover, indicated that she is deeply concerned. She wrote, "I am afraid that, if targeted action to help newspapers like *La Liberté* is not taken, some publications will be forced to shut down. I can assure you that the death of a French-language newspaper that is about to celebrate its 100th anniversary — especially if that death is caused by Conservatives — will leave an indelible black mark on our government . . ."

What does the Conservative government plan to do to address this situation?

• (1410)

[English]

Senator LeBreton: Thank you. Of course, I did read the article that the honourable senator referred to, which concerned my colleague, Shelly Glover. I cannot specifically provide an answer, but as I indicated a moment ago, I will draw the issues that the honourable senator has raised here in the Senate to the attention of Minister Moore so that he is aware of her concerns.

NATIONAL DEFENCE

CLOSURE OF GENERAL JEAN V. ALLARD COMMEMORATIVE LIBRARY IN SAINT-JEAN-SUR-RICHELIEU

Hon. Pierre De Bané: Honourable senators, I have a question for the Leader of the Government in the Senate.

The Commissioner of Official Languages has just published a report stating that the Department of National Defence has violated Canada's Official Languages Act by closing a library at a Quebec recruitment school that was serving the minority English-language community in the region south of Montreal.

The department decided to shut down the General Jean Victor Allard Commemorative Library in Saint-Jean-sur-Richelieu in Quebec due to budget cuts on September 30, 2010.

The department made no public consultations or announcement of the decision. As a result, it eliminated public access to the library that first opened in 1971 at the Saint-Jean Garrison.

The report by Official Languages Commissioner Graham Fraser, in response to several separate complaints:

[Translation]

...concluded that the department "failed to meet its obligations" under a federal law that requires the government and federal institutions to take positive measures to protect the vitality of English and French-speaking minorities communities in Canada.

In his report, Commissioner Fraser also said that:

According to the users we met, the General Jean V. Allard Commemorative Library was an essential resource, a cultural and historical treasure that contributed to the personal and professional development of its users. ... Anglophone internal users, in particular, emphasized how invaluable it was for them to be able to access all sorts of documents in English, in a community that is overwhelmingly Francophone.

Honourable senators, this government, through its Department of National Defence, has violated the law that guarantees that English-speaking and French-speaking Canadians living in a minority context will be fully protected. Why has the government allowed that?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator.

I have not personally seen the report of the Official Languages Commissioner. I do not know whether it has been tabled officially. I only heard about this a few moments before coming into the Senate sitting. The Department of National Defence has advised that they have just received the report of the Official Languages Commissioner, Mr. Graham Fraser.

I will have to take the honourable senator's as notice in order to allow the Department of National Defence to provide a response to his question.

Senator De Bané: Can we count on the Leader of the Government in the Senate to personally, after reviewing that report and how much that library is really very important to the English-speaking community living in that area, make her own endeavours and representations to the Minister of National Defence to maintain this resource, those books, to the benefit of the English-speaking minority?

I am sure that she carries a lot of weight, and if she spoke to the minister, he would listen to her. The English-speaking minority in Quebec is waiting for her encouragement and support.

Senator LeBreton: I thank the honourable senator. I can commit to him only that I will ensure that the Department of National Defence is aware of his great concern. Of course, I expect that they will provide a written response to his concerns. Beyond that, it is up to the Department of National Defence and the government as a whole, not me as an individual. However, I do appreciate the honourable senator's concerns and his confidence in me.

[Senator De Bané]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, the answer to an oral question raised by Senator Tardif on May 10, 2012, concerning the National Archival Development Program; and the answer to an oral question raised by Senator Chaput on May 10, 2012, concerning the National Film Board.

CANADIAN HERITAGE

NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

(Response to question raised by Hon. Claudette Tardif on May 10, 2012)

Our Government recognizes the importance of Library and Archives Canada (LAC) and the many services it provides, as it plays an essential role in preserving Canada's documentary heritage.

As a Departmental agency, Library and Archives operates at arm's-length from the Government under the direction of the Librarian and Archivist of Canada. As such, it is responsible for its operational decisions, including the implementation of Budget 2012 decisions.

Library and Archives Canada is doing its part to support the Government of Canada's efforts to reduce the deficit and return to balanced budgets in the medium term. LAC has had to make some difficult choices. Going forward, LAC will be focussing on its core mandate, which will have priority in the allocation of resources. In this way, LAC expects to consolidate its efforts and better serve Canadians.

At the same time, LAC is moving forward with its Modernization initiative in an effort to seek efficiencies and adapt its services and technology to better serve Canadians' needs, while continuing to deliver on its mandate. Through this initiative, Library and Archives Canada is increasing its digital services and programming to improve and expand access to Canada's documentary and cultural heritage for all Canadians, regardless of their interest, profession or location.

NATIONAL FILM BOARD AND CANADA PERIODICAL FUND

(Response to question raised by Hon. Maria Chaput on May 10, 2012)

Francophone projects arising from the West will continue to be produced by the National Film Board (NFB) as per usual. First of all, production budgets are not targeted by Budget reductions. Secondly, projects will continue to be supervised and supported by the line producer. Finally, additional resources, namely in executive production or production management, are always dedicated to large scale

projects. It should also be noted that the NFB maintained a coordinator position whose mandate is to review all production projects from francophone creators and producers from Ontario and from the West.

The NFB made sure that its decision would not impede the number or the quality of francophone productions from Ontario and the West while preserving production budgets as well as making sure those projects are still supervised by NFB professionals.

The National Film Board operates at arm's-length from the Government and is responsible for its day-to-day operations, including the implementation of Budget 2012 decisions.

This is the report that is just being delivered to honourable senators now. I will touch on a few of the highlights.

I do want to thank and let the Leader of the Government in the Senate and all honourable senators know that we very much appreciate the sensitivity with respect to the time requested to deal with the report so that honourable senators could be informed before being called upon to vote. We will be called upon to vote on Bill C-41 at third reading once this report has been adopted. I appreciate very much that we have had the opportunity to change the business so that honourable senators can be informed about what they are voting on.

The committee studied the supplementary estimates, and the report reflects that study. We met with five different government departments and discussed their appropriation requests for the coming fiscal year.

I point out that these are supplementary estimates. Over the last few days, we did deal with the Main Estimates, the main request for funds for the year that needs to be voted on. Those that are not statutory provisions come in the form of estimates and require a vote. We call it a supply bill or alternatively an appropriation bill.

This is the first additional request for funds. The reason for this is not that the government made a mistake but rather that all of the requests could not be put into place in time for the first request for funds. The Main Estimates are prepared late in the year and then very early in the new year before the budget comes out. Therefore, there are items in the Main Estimates that honourable senators will know may not be proceeded with as a result of the budget.

Those changes will be sorted out in Supplementary Estimates (A), (B) and (C). Supplementary Estimates (A) are typically in June; (B) would be typically in the early fall; and (C) at the end of the fiscal year in February or March. In this cycle, it would be February or March of 2013.

This being Supplementary Estimates (A), we will have some changes as a result of the budget, but the government directive was that Supplementary Estimates (A) should not have any of the reductions. Upon hearing from government officials, it was felt that all the decisions were not made, and the government did not want it coming out piecemeal. Therefore, we will probably see in Supplementary Estimates (B) the various reductions as a result of the budget that we saw in March of this year.

Honourable senators will see on page 2 of the report that voted appropriations amount to \$2.1 billion. That is in addition to the \$65 billion that honourable senators have already voted on. These are added onto that to determine what the voted appropriations are thus far for this year.

The statutory expenditures are given here as information. They are, in all of our supply bills, only for information purposes; they are not here for you to vote on. Honourable senators are only voting on the appropriations of \$2.1 billion.

There are no non-budgetary matters. Budgetary matters are matters that change the bottom line. They are money spent in various ways. A loan is a non-budgetary item. It changes the fiscal

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: the eleventh report of the Standing Senate Committee on National Finance, followed by other government business, as indicated on the Order Paper.

[English]

THE ESTIMATES, 2012-13

SUPPLEMENTARY ESTIMATES (A)— ELEVENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2012-2013), presented in the Senate earlier this day.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this is the eleventh report of our committee, but it is the first report with respect to Supplementary Estimates (A). I would first of all like to thank the Library of Parliament representatives on the Finance Committee, Sylvain Fleury and Édison Roy-César for working diligently in getting this report prepared for us with very short notice.

• (1420)

Honourable senators will know that when the supplementary estimates are referred to us, we study them, do the report and try to get the report back here so that honourable senators can be informed of what is in the supplementary estimates before being called upon to vote at third reading on the bill that flows from the supplementary estimates.

situation. However, the money will be coming back in, so we do not vote on that as a non-budgetary item. It will be coming back at some time, according to the terms of the loan. If it goes bad as we saw with some of the student loans and they are not paid back, we will have to see those brought in as budgetary items to forgive certain loans. That is how that is accounted for in this report and in the Main Estimates.

One item I wanted to bring to the attention of honourable senators — and I think the Leader of the Government in the Senate was asked a question on this recently in this chamber — is in relation to the payment of severance to employees who continue to work. The explanation is on the bottom of page 3 and on page 4.

Severance was a negotiated item for all public servants, and the government has now negotiated an end to that practice. However, all of the severance that had been accumulated was deemed to have been vested in those public servants up to the time of the new collective agreement. The question is whether we pay out that vested amount now or when the person leaves. That is a matter of negotiation between the deputy head and the union. Some of them are being paid out now. That does not mean they are leaving. In fact, they are continuing, but that accumulated and vested amount of severance that they acquired by virtue of their employment in the past can now be taken now or later.

We asked about the outstanding liability in relation to this matter, because it is a contingent liability and is not an insignificant amount. Roughly \$6 billion will be paid by the government to continuing employees or employees who retired or have decided to leave. That accumulated severance will amount to roughly \$6 billion over time. Some may elect to take it now; others may elect to take it at the time they leave. Why would they wait and take it at the time they leave? The amount is determined by the last two months of salary. If the salary goes up significantly by the time they leave in three, four, ten or twenty years, that amount could significantly increase over what they would take now. That is why some are taking it now and some are not.

An amount of \$850 million is set aside this year for those who opt to take it. Last year, I think it was over \$1 billion, so honourable senators can see that a significant liability is slowly being reduced.

I will discuss some of the other highlights. Honourable senators can see the various departments that appeared before the committee. We talked about the work being done on the Parliamentary Precinct. Some very interesting questions came out of that discussion. We are told that it will carry on over many years, and each five-year plan has a number of contracts and objectives.

Treasury Board and Public Works are satisfied; they are watching this very closely. They were pleased to inform us that some of the contracts have come in under budget and some on budget. In dealing with a large series of contracts or a project over a long period of time, there is always a concern that things may slip a bit. I think that is why the contracts are based on a project-by-project basis as opposed to contracting for the entire work that is anticipated.

• (1430)

The Parliamentary Precinct requests in the Supplementary Estimates (A) is for \$242 million. That is only because certain contracts were not in place when the Main Estimates were done. Supplementary estimates are to pick up those items that were not finalized and had not received approval from cabinet before the estimates came out.

The Department of Transport talked to us about work they are doing at the Port of Churchill and the Champlain and Cartier bridges. They are all projects that need work.

With VIA Rail there is a pension problem, like there is with so many public pension plans. We hear about it day after day. There is a pension problem with respect to VIA Rail Canada and its employees. To satisfy the pension problem for just one year, \$68 million is required. We have to do something, honourable senators, about these pension plan problems that keep cropping up.

Regarding self-government financial transfer agreements to the native bands, there are some outstanding liabilities in relation to negotiations with the various First Nations; that is outlined in here. We had a long discussion with respect to those issues. These are land claim settlements. We asked about contingent liabilities for land settlements, and there are some pretty significant outstanding amounts. We see here the year-to-year amounts being claimed.

There was one figure, honourable senators, that I wanted to bring to your attention, which is at line 138. That requires a change from \$3.8 million to \$3.8 billion as an outstanding and contingent liability issue.

Apart from that, honourable senators, the facts and the issues are here. I have just highlighted them, but I am pleased that you all have the report. If there are any questions, my deputy chair, Senator L. Smith, or I would be pleased to answer them for you if we can.

Hon. Percy E. Downe: Honourable senators, I have a question. On page 5 of the honourable senator's report, he gives a summary of the additional advertising funding requests.

Can he advise or does he know if the \$1.3 million requested by the Department of Canadian Heritage for promotion of the War 1812 is in addition to the \$28 million that was already allocated for that anniversary celebration?

Senator Day: The \$1.3 million in advertising next to the last bullet is in addition to earlier allocated funds. I spoke earlier, when I was speaking about the Main Estimates, of the importance of keeping an eye on this kind of project by reason of recent history. This \$1.3 million for advertising here would be with respect to contracts that had not been finalized at the time of the Main Estimates, honourable senators. This is exclusively for advertising.

The earlier appropriation was for other types of promotional activities as well.

The Hon. the Speaker: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

APPROPRIATION BILL NO. 2, 2012-13

THIRD READING

Hon. Larry W. Smith moved third reading of Bill C-40, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013.

The Hon. the Speaker: Is there debate? Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Tardif: On division.

(Motion agreed to and bill read third time and passed, on division.)

APPROPRIATION BILL NO. 3, 2012-13

THIRD READING

Hon. Larry W. Smith moved third reading of Bill C-41, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013.

The Hon. the Speaker: On debate?

Hon. Joseph A. Day: Honourable senators, I just have one point to make on this particular bill, which flows from Supplementary Estimates (A) that I have just spoken on.

Honourable senators will know that one of the things we do at the Finance Committee is compare the schedules that appear in the Main Estimates to ensure that they are the same and that those schedules are reflected in the bill itself. In going through that exercise, I noticed that Supplementary Estimates (A) that was circulated did not have a schedule in it in the English version. I then obtained another printed copy that had the schedule in it.

This particular document, which is entitled Supplementary Estimates (A), I would propose giving to our table officers to let them do what they might to let the printers know that there is no schedule in this one, so we could not perform our normal task *en anglais* but we could *en français*, which we did. I have found the schedule to be the same, and I have found other copies of Supplementary Estimates (A) that contained the schedule in both English and French.

With that one qualifier, honourable senators, I find the process has been followed.

The Hon. the Speaker: Is it agreed that the table take a copy for editing purposes?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Tardif: On division.

(Motion agreed to and bill read third time and passed, on division.)

POOLED REGISTERED PENSION PLANS BILL

SECOND READING

Hon. David Tkachuk moved second reading of Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts.

He said: Honourable senators, I am pleased today to speak in support of Bill C-25, which will implement the federal framework for pooled registered pension plans.

Our government understands the importance of a secure and dignified retirement for those who have spent their lives building a better and more prosperous Canada. It is something we have spent a lot of time working on over the past number of years as we face the challenges presented by changing demographics.

When we came to office in 2006, we hit the ground running with a commitment to ensure the long-term strength of Canada's retirement income system, and we have delivered concrete results on that commitment. Our retirement income system is recognized around the world as a model that succeeds in reducing poverty among seniors and in providing high levels of replacement income to retired workers.

• (1440)

Canada's retirement income system is based on three pillars. The first of these is the Old Age Security program, which is paid out of general revenues and provides a basic monthly pension to most elderly Canadians. It is the single largest federal government program.

Further support is provided to low-income seniors through the Guaranteed Income Supplement, widely referred to as the GIS. Just last year, we announced a new GIS top-up benefit for Canada's most vulnerable seniors. As a result, more than 680,000 low-income seniors are now receiving an additional benefit of \$600 for a single person and \$840 for a couple.

More recently, we acted to ensure that OAS remains sustainable over the long term. We did so because the OAS program was designed for a different time. Today, Canadians are living longer and healthier lives, and there are fewer workers to take their place when they retire. Canada has changed and Old Age Security must change with it to remain sustainable and to reflect demographic realities while serving its intended purpose. This is why the age of eligibility for the OAS and the GIS will be gradually increased from 65 to 67, starting in April 2023, with a full implementation by January 2029. This will not affect anyone who is 54 years old or older as of this past March.

To improve flexibility and choice for those wishing to work longer, we will provide the option to defer receipt of the OAS for up to five years and to receive a higher pension as a result. These changes are in keeping with international best practices, as many OECD members have already raised the eligibility age for their public pensions and social security programs.

The second pillar is the Canada Pension Plan and, in Quebec, the Quebec Pension Plan, which provide a basic level of earnings-replacement for retired workers. They are financed by contributions from workers and employees, and they provide approximately \$44 billion per year in benefits to 6.5 million individuals. The CPP and the QPP are in good shape and are sustainable at current contribution rates for the next 75 years.

The third pillar is individual savings through tax-assisted opportunities, including registered pension plans, RRSPs and registered retirement income funds. We are now allowing couples to split pension income for tax purposes, a considerable savings for many seniors.

There is the Tax-Free Savings Account which may be used for any saving purposes, including retirement. The Tax-Free Savings Account provides greater incentives for low- and modest-income individuals, since neither TFSA investment income nor withdrawals affect eligibility for income-tested benefits and credits, such as the GIS. It is here in the third pillar in Canada's retirement income system where a gap exists.

Honourable senators, I would like to take this opportunity to outline how our government identified this gap and, more importantly, how the introduction of the Pooled Registered Pension Plan, as it has become known, addresses this gap.

In the wake of the 2008 financial crisis, concerns related to retirement income adequacy and pension coverage began to emerge. In response, our government established a joint federal-provincial research working group in May 2009. The working group conducted an in-depth examination of retirement income adequacy in Canada. It concluded that, overall, the Canadian retirement income system is performing well, providing Canadians with an adequate standard of living upon retirement.

However, the report also found that some modest- and middle-income households may be at risk of having insufficient savings once they retire. One concern was the declining participation in employer-sponsored pension programs. Canadians are not taking full advantage of other retirement tools, such as RRSPs. For example, there is currently \$600 billion in unused RRSP room and, while aggregate pension plan and RRSP participation rates for middle- and higher-income earners are high, a significant portion of Canadians are not saving enough.

Our government recognizes the importance of ensuring that all Canadians have adequate income for their retirement. The report by the working group sent a clear signal that a gap exists on the voluntary side of Canada's retirement system. With this information in hand, we took action to fill that gap.

In June 2010, after looking at various proposals and consultations, the federal, provincial and territorial governments agreed to develop options to improve Canada's retirement income system. One of these options was to expand the CPP.

Ottawa cannot change the CPP unless two thirds of the participating provinces, representing two thirds of the population, agree and there is not sufficient consensus for that to happen. Indeed, some provinces strongly objected to the idea of expanding the CPP and the Quebec Pension Plan, as this would require higher contributions from employees, employers and the self-employed.

Canada's economic recovery is still fragile and, with ongoing debt crisis in Europe, this is simply not the time to impose an added payroll tax on small- and medium-sized businesses. It is clear that it is not only our government that feels this way.

According to calculations done by the Canadian Federation of Independent Business, for every one percentage point increase in CPP premiums beyond the current 9.9 per cent rate, it would cost 220,000 person-years of employment and force wages down roughly 2.5 per cent in the long run.

It seems obvious that expanding the CPP is not the prudent choice. It is for this reason that the 2010 meetings of Finance Ministers gave priority to proceeding with the PRPP framework.

Simply put, the introduction of this program is an effective and appropriate way to target those modest- and middle-income Canadians who may not be saving enough for retirement and, in particular, those who did not have access to a workplace pension plan.

Honourable senators will recall that the Senate Banking Committee also looked at our system of retirement savings and, in October 2010 a report entitled "Canadians Saving For Their Future: A Secure Retirement" recommended that:

The federal government work with the provinces and territories to establish a Canada-wide voluntary plan to encourage adequate retirement savings by Canadians and to enable them to benefit from the lower fees and shared risk that may result from membership in a group.

Honourable senators, this bill will represent a vital improvement to Canada's retirement income system. It will provide a low-cost, large-scale, easily accessible, privately administered pension option to employees, with or without a participating employer, as well as to the self-employed. This is particularly noteworthy as 6 out of 10 Canadians do not have access to a workplace pension plan. Many will now have access to a low-cost pension plan for the very first time.

By pooling pension savings, the cost of administering the pension funds will be spread over a large group of people. Plan members will benefit from lower management costs than are typically associated with the average mutual fund, leaving more money in their pockets for their retirement. It also marks a significant gain for small- and medium-sized businesses that, until now, have experienced significant barriers to being able to offer a pension plan for their employees.

One of these barriers is liability. Under the PRPP framework, the fiduciary responsibilities related to pension fund management will be shifted from the employer to a licensed third-party administrator.

The second barrier has been that of running the plan. Under the PRPP, the administrative yoke of the employer will be reduced, with most of this burden shifted to the third-party administrator. In fact, many from the business community have already commented on how the reduced administrative burden will encourage employers to offer a PRPP.

According to the Chamber of Commerce:

... PRPPs — with the simple and straightforward rules and processes — would give many businesses the flexibility and tools they need to help their employees save for retirement.

Most importantly, PRPPs will promote greater pension coverage among Canadians. To achieve this, PRPPs are designed with a number of features. One of these features is automatic enrollment. Therefore, where an employer offers a program, all employees will be enrolled in the plan unless they decide to opt out. This will target disengaged savers and will encourage those who would otherwise have decided against contributing to a pension.

• (1450)

Another feature is that contribution by members will be locked in. This means that contributions made by employees will be used for what the program intended: retirement savings. The bottom line is that it will help more Canadians to save for their retirement and to realize their retirement goals.

The Chamber of Commerce stated:

PRPPs can give many businesses, individuals and the self-employed additional retirement options. Millions of Canadians who lack adequate retirement savings will benefit.

The Canadian Federation of Independent Business agreed and stated:

We believe that, if properly implemented by provinces, PRPPs have the potential to expand the retirement savings options for thousands of Canadian small businesses and their employees.

Honourable senators, the well-being and prosperity of Canadians are of utmost importance to all of us. For this reason, we have ensured and will continue to ensure that older Canadians have the support they need to enjoy the quality of life they work so hard for when they retire. This program is simple and is the latest example of this continued effort. The retirement income system has been recognized by experts in the OECD as a model that reduces poverty among seniors and provides generous levels of replacement income to its retired workers. The introduction of the Pooled Registered Pension Plans will only build on this well-earned reputation.

I encourage honourable senators to stand and support the swift passage of Bill C-25, which provides the federal framework. The provinces will be introducing similar legislation for workers in provincially regulated industries. The sooner this framework is in place, the sooner more Canadians can take advantage of a PRPP to save for their retirement.

Hon. Art Eggleton: Honourable senators, I rise to speak to Bill C-25, but I do not agree with the rosy picture that was just painted by the honourable senator with respect to the condition of the pension systems in this country.

Our pension system is stressed. It is estimated that roughly 5 million Canadians — one third of the workforce — are not building enough of a private nest egg to avoid a significant drop in their standard of living when they retire. Many Canadians are worried about this. They are worried about their retirement security, pension affordability, contribution and benefit levels, and whether they will be able to retire when they want to. According to HSBC Insurance, a survey showed that only 17 per cent of Canadians aged 30 to 70 years feel that they are financially prepared to retire; and 83 per cent of Canadians do not know how much income to expect once they stop working.

Pensions affect everyone: the employees, the employers, the taxpayers, governments and non-working Canadians as well. If many seniors' living standards fall, and some slide toward the poverty line, the impact for Canadians in the country as a whole will be staggering. A review by the Government of Ontario correctly stated that this will lead to more cash-strapped elderly and a rising bill for society, including declining markets for goods and services purchased by seniors. If they have less money, they will purchase less. It also means declining tax revenues and increasing public welfare costs that the provinces will have to pick up, by and large.

We need to renovate our pension system. We have to nurture where the system is working — and parts of it are working — and repair where it is failing. We need to bring solutions to ensure that our aging population can live in dignity and respect. Reporter Steven Chase of *The Globe and Mail* pointed out:

It's a problem ... that some have called a defining issue for this generation.

Jim Leech, from the Ontario Teachers' Pension Plan, said:

As Tommy Douglas and national medicare defined public debate in the 60s, the natural gas pipeline and C.D. Howe in the 50s and Brian Mulroney and free trade in the 80s, pension reform could be defining issue of the first decade of *this* century.

Honourable senators, our pension system is defined with two objectives in mind: to prevent poverty among the elderly and to prevent a significant fall in the living standards of workers upon their retirement. To achieve these goals, as in many other countries, the Canadian pension system comprises both private and public elements, as Senator Tkachuk pointed out. With the publicly financed OAS and GIS, Canada has gone a long way in lifting seniors out of poverty. It has resulted in the lowest incidence of poverty amongst seniors in all developed countries.

However, this has not lifted all Canadians out of poverty. In fact, poverty is on the rise for seniors, especially for single women living in big cities, immigrant seniors who do not qualify for GIS, and seniors with dependents. We must be vigilant and make the necessary changes to improve these important programs. Putting off the OAS from age 65 to 67 years certainly will not help those seniors when they reach that age. These people more and more will fall towards poverty because many on a low income or who cannot work past 65 years of age will find themselves with less to keep them out of poverty.

Achieving the second objective seems to be more difficult. Success is usually measured by reference to a suitable but much debated replacement rate: the substitution of retirement income for wages from employment. The CPP and the QPP are a good start to achieve this. Both are contributory earnings-related social insurance programs that provide a monthly taxable benefit to retired contributors, averaging \$4,900 for women and \$6,500 for men. Even when you put that together with OAS and GIS, you are still talking about a lot of people struggling to meet the poverty line.

Relevant to many OECD countries, Canada's current public retirement income programs are quite modest, so they put a lot of strain on the private portion of the Canada pension system. As a result, workplace pension plans and other forms of private savings play an important role in providing retirement income security. It must be all of those combined.

If a person has a defined benefit plan, as honourable senators have, they are generally doing all right. The pension benefit is predetermined, is not subject to investment performance and is the obligation of the employer. However, not too many people have these plans any longer. In fact, very few of them exist in the private sector, with more in the public sector.

Defined contribution plans are becoming more numerous these days. They work in much the same way as an RRSP works. Individuals are responsible for doing their own investing, and they depend entirely on the market value of funds in their account at the time of retirement. If the markets have been bad, and all honourable senators witnessed the savings lost as a result of declining markets during the recession, retirement lifestyle could be less than if the markets boom.

These Canadians may be the more fortunate ones because at least they have a workplace pension plan. However, studies have shown that participation by Canadian workers in workplace plans is at an all-time low of 23 per cent. The remaining 77 per cent of Canadians with no pension coverage rely on growth in Registered Retirement Savings Plans or perhaps home equity or non-sheltered savings to supplement public pension benefits. However, most Canadians have not managed to set aside nearly enough for, let us say, 20 years of non-working life, and some may live well beyond that.

• (1500)

According to Statistics Canada, the median amount in RRSPs for those taxpayers nearing retirement is about \$60,000. That is what Statistics Canada says. That is only enough to buy an annuity of approximately \$3,000 a year during retirement, which is hardly enough.

As the proportion of Canadian workers enrolled in workplace pension plans declines, down to 23 per cent, and as older people come to represent an increasing segment of the Canadian population, each of these economic effects is likely to change significantly, and not for the better. This is why we need to act now. Immediate steps must be taken in the short term if pension security adequacy and coverage are to be attainable for the long term.

The Conservative government through Bill C-25 is proposing the pooled registered pension plan, PRPPs, as the solution to increase workplace pension plans. More specifically, the federal government has indicated to provincial counterparts that it is only interested in pursuing a PRPP option at this time. Unfortunately, PRPPs are not the panacea to the pension predicament we have today. It is one tool, a flawed tool I might add, in the already-crowded tool box.

First, PRPPs are, in theory, meant to lower costs by pooling the pensions of many into large funds, but because PRPPs are nothing but locked in RRSPs — they are the same thing, locked in RRSPs — Canadians would face a number of problems if they join such plans.

Here is what some of these problems might be. First, like RRSPs, if the fund administrators do not invest properly and the return on investments is low because of market conditions, then Canadians — not the employer and not the administrators — will have to suffer the financial consequences because they bear 100 per cent of the investment risk.

Second, there is no ability for participants to vote with their feet. Under this bill, it is the employer that selects the pooled plan offering from private sector providers, not the employees. If the employees participating are unhappy with the pooled plan, they cannot transfer their money to another plan.

Senator D. Smith: Shocking.

Senator Eggleton: Third, because the employers do not have to contribute a penny, nor do they have to pay for any of the administration of the plan, there is very little incentive to monitor

the effectiveness. Why should they monitor the effectiveness of the program? They have no skin in the game since they do not bear any of the costs.

At best, an employee is left with exercising his or her right to cease contributions and pray that the monies contributed will not be frittered away by management fees and poor investment results before finally, somewhere in their life, it is no longer locked in.

The fourth problem is there is no ability to make up for bad years by making additional tax-deductible contributions. If the market goes down, your equity goes down and your pension fund goes down. Can you make it up later? No.

Fifth, there is no ability to pool risk.

Sixth, it is currently unclear, and maybe this will be worked out in committee, whether homemakers or seasonal workers would be able to contribute unless they receive employment income directly.

I should also point out that Australia adopted their version of PRPPs over a decade ago, and a recent study commissioned by the Australian government shows that the only ones who truly benefited were the financial services industry. The report shows that while total assets in the system have grown through contributions, net earnings from investments were relatively low. We should get that evidence before the committee. The principal reason for the lower-than-anticipated earnings is the high cost in fees restraining the growth of the fund.

I accept and applaud that reducing cost is a laudable goal, and Senator Tkachuk said that is one of the objectives here. However, every piece of real world, quantifiable data available suggests that PRPPs will almost certainly fall short of that goal.

A much better approach would be to improve the current Canada Pension Plan, which is well managed by a board that charges much lower fees than will be charged by these entities that would be administering PRPPs, or bring into existence a supplemental Canada Pension Plan.

Honourable senators, in summary, I have doubts that Bill C-25 and this PRPP system will be of much benefit to Canadians. At a time when Canadians need a loaf of bread to help them, they are being offered crumbs. Let us see what the committee can do with this. Let us have some hearings and determine what other people have to say, and then consider it further in this house when it comes back for third reading.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Will the honourable senator accept a question?

Senator Eggleton: Of course.

Hon. Consiglio Di Nino: I listened intently to what the honourable senator was saying, and I am not sure I understood correctly. The honourable senator has to agree that there must be some personal responsibility for one's life instead of being fully

dependent on the state. We have OAS, and attached to the OAS we have the GAINS supplement available to those who need it. Then we have CPP and RRSPs. This is another tool in the tool box, so to speak. I am not sure I understand the honourable senator correctly, but if he is suggesting that the answer is defined benefit pensions for everyone, I hope that is not what I heard because I do not want my grandchildren to live in Greece a few years from now.

Senator Eggleton: I do not think the honourable senator heard that coming from my lips.

I quite clearly indicated that there are a variety of ways we help people to prepare for pensions. Yes, there is a lot of their own responsibility, but I think we have some tools that can help them even more in a supplemental way, in a voluntary way, tools that can be far more meaningful than this.

This will not produce very much. As I said, at a time that Canadians need a little bit more, we are offering them crumbs. Whether those crumbs are worth it or not, we will see when we go through the committee hearings of this bill.

I think the honourable senator misunderstood what I was saying. I am telling honourable senators that there are many more ways we can help Canadians.

Hon. Grant Mitchell: I am intrigued by this proposal. I concur at the base level with Senator Eggleton, who raises serious questions and has serious suspicions about how effective this program will be. I would take it a step further and say I think this program is little more than a spin against a problem that the Conservatives have tightly identified. It will do absolutely nothing new — I await for the committee to convince us otherwise — that does not already exist in the marketplace and is working about as well as could be expected at this point. This will not enhance whatever is already in the marketplace.

I agree with the Conservatives that there is a problem. They say there is a problem and they acknowledge the problem with pensions. I agree. I think only 30 per cent of Canadians have any kind of structured pension plan, and not all are defined contribution plans; in fact, many of them are just group RRSPs administered in one way or another by their company, but they are not defined contribution.

• (1510)

That aside, 70 per cent of Canadians have no real pension plan at all, so they depend upon their own savings to create support for their retirement.

Let us consider the magnitude of that problem. If you had \$1 million today and you could put that in the bank at today's interest rate, secure Government of Canada bonds, which is what our pensions will essentially be secured by, you would get about \$35,000 as year. You can augment that a little by an insurance program, one of these institutional programs from which, when you die, you get no capital at all. You can augment that to some extent. Nevertheless, if you had \$1 million, you are looking at \$35,000 or \$40,000 a year. How many people have a million

dollars? How many people have any idea about how to get a million dollars by the time they get to retirement age? There are not very many. It is a huge problem.

With respect to defined contribution plans, some of which now are still corporate, there is the problem of the corporation going bankrupt, such as Nortel, and no one in this government defending the interest, for example, of those pension holders who lost huge amounts of money.

To exacerbate the problem, before they even started to attend to the problem, the government did two things. This government, among other things, reversed its field on income trusts. Many Canadians got decent income through income trusts, which were hammered by a government that said it would not do that. The government broke its promise: promises made, promises broken.

Second, they then reversed field on the OAS and made that kind of support more difficult to get.

Let us look at these PRPPs for what they really are. They really are a group RRSP. You can get a group RRSP now very easily in the market. Every major insurance company, bank and financial institution practically is happy to provide a group RRSP. How would a PRPP be different from that? If it were, if it offered some advantages, I suppose it would be worth pursuing. However, I have listened to Senator Tkachuk and I have listened to the minister, to the government, and there is no advantage, in my estimation, over group RRSPs. Let me count the ways that they have been established and let me argue against each and every one.

The first one I heard today was automatic enrolment — group RRSPs, automatic enrolment. Your employer says, “I will insist on you having it and I will match some of the money to make you more inclined to do it,” then he goes to the bank, the bank sets up the program and it is automatically enrolled. It is no different. There is no advantage in this whatsoever.

Second, it is locked in, as if that is an advantage. Locked in is the most paternalistic thing you could do to someone who is saving money. This is coming from Conservatives who do not want governments intervening in people's lives. If I put it in my own RRSP or my group RRSP, my fees will be lower, as low as the PRPP, and I will not be locked in. If I find I have terminal cancer at 45 and I want to buy a Maserati, I can do it; or if my wife suddenly becomes ill and I need to go into our savings, I can do it in my own RRSP or in a group RRSP. I cannot do it in a locked-in RRSP. It is unbelievably paternalistic that you would, one, do it and, two, say it is an advantage. It is fundamentally a disadvantage.

Third, you say you will shift the liability. This is really dangerous. In fact, that argument is very dangerous. That is on the verge of misleading people in a significant way. Now what you are doing is comparing a defined benefit pension plan, whose disadvantage is that the employer can go broke and the pension plan can go broke with it — ergo, the employer's liability becomes the employee's liability, the pension subscriber's liability, like Nortel — and saying this will be solved by a group RRSP-type

PRPP for which there will not be any employer liability. It is fundamentally different. There is no employer liability now in a group RRSP. There is no employer liability now on my personal RRSP. You are very misleading when you say that this is an advantage over existing pension plans. Wrong.

The type of pension niche that this will fit into will be small and medium-sized businesses where they do not have defined contribution plans anyway. That comparison is absolutely fundamentally wrong and very misleading.

Then the argument goes on that this will lower fees. Tell me how it will lower fees. First, they will invest in the same markets that everyone else invests in. We are not creating a new market, are we? We are not creating a new lower-risk market or some new kind of investment vehicle that somehow will magically make more money. No, we have stock, bonds and GICs. What else have we got?

I phoned a bank and I asked, “If I wanted to set up a group RRSP, what would the fee structure be?” They said that setting up and administering the group RRSP is free. There is no cost if you go to the bank to do it. Then, if you look at what you invest in, you invest in GICs and bonds, there is no overt fee on GICs and bonds. There is a spread, but that spread is not going away. That is a hidden fee, in a sense, but every bond you ever buy, the Government of Canada benefits from those spreads when they sell bonds. That is how the bond market works.

Then the third category would be stocks, mutual funds. You can go to the bank now and get a mutual fund with a fee that is less than 1 per cent. I defy you to find any PRPP administration that will be able to do that kind of investing with any kind of competence for less than 1 per cent. Right now, the services you are touting actually exist in the market and are efficient and private-sector driven.

The government's commitment to lower fees is very suspect. I will tell you how. OMERS said they would be happy to administer these PRPPs, but the banks and insurance companies rose up and said, “Wait a minute. You have an unfair advantage because you do not pay taxes, so of course you can charge lower fees.” You know what the government said? “Oh, we cannot have that. If OMERS administers one of these PRPP group RRSPs, we will set up a facsimile kind of tax or increase costs so that they will not have a competitive advantage,” so where is your commitment to lower fees? It is nonsense; it does not exist.

Oh, yes, there is also the possibility, someone said, that we might get a centralized national pension administrator to administer these. That would streamline the process; it would cut the costs. Good luck. When you tried to get a centralized securities commission, which province said that was okay? What constitutional amendment did you get to get that through? Are you going to do that to get this? It will not happen, and there will not be lower fees.

Then they say there will be economies of scale that will get lower fees. There are billions and billions of dollars today in mutual funds and group RRSPs, you name it. If economies of scale have not reduced the fees yet, they will not reduce the fees in

PRPPs. You might get bigger lumps of money if you actually made it mandatory, but you are not. Senator Tkachuk made that very clear today. It will not be mandatory; it would be almost politically impossible to do that. Go to Australia. They made it mandatory. They have billions, over a trillion dollars in their PRPPs. Fees have not gone down because there is tons of competition in that market today. There are tons and tons and tons of actors, and there are billions of dollars. There are economies of scale, and if it is not low now it will not be low, unless you do something magical, which you are not doing. In fact, you are dumping all over OMERS, who could perhaps lower fees.

Then they say better returns. If you got better returns, as I say, that would be great. It is the same market, so why would there be better returns? I do not know how that will differ. Maybe some of these PRPPs will hire the genius investors of the century and get better returns, but who knows? It is all risk.

The second place that the government misleads in a very dangerous way, and I heard them say it, is that there will be fiduciary responsibility. That is going to be the difference. You know what? Every mutual fund, every bank clerk, every lawyer — and I am looking at a great one over there, Senator Wallace — every single broker and financial adviser, anyone who touches your money or comes anywhere near it has fiduciary responsibility now. How will that be different with PRPPs? Fiduciary responsibility does not guarantee better returns. It does not even guarantee this, but it establishes a great deal of hope that you will not be ripped off by someone who is administering your money, and they will go to jail for it. It exists now. It will not be different with this program.

Do not tell me that it will have the advantage of automatic enrolment because group RRSPs already do. Do not tell me that locked in is an advantage, because it is horribly paternalistic. Do not tell me it will shift liability, because group RRSPs already do that. Do not tell me it will lower fees because group RRSPs and RRSPs have got them about as low as they are going to get, and banks do it for free now anyway. Do not tell me you will get better returns unless you change the whole market structure of the investment industry in the world. It will not happen.

• (1520)

What if there is extra RRSP room? That would be only a superficial advantage, because I think 20 per cent of Canadians actually use their RRSPs and most of do not maximize them. As Senator Tkachuk pointed out, \$600 billion of excess room exists.

If one expanded that it might help some people to go from \$18,000 or \$20,000 or \$5,000 a year, whatever their room was, to a little bit more. The honourable senator is not talking about doing that, so that is no advantage.

One might make it a little bit more accessible to homemakers, as Senator Eggleton suggested, where partners to a homemaker could invest on their behalf, et cetera. However, make no mistake about whether this is giving anybody extra access to investment room in a tax-supported way.

If I have \$18,000 worth of RRSP room and I put it into this PRPP, I do not have any money to put into my own RRSP. I am just shifting from one RRSP to another. I get no more tax reduction, no more room to put in tax-deducted investments.

My point is that this will do nothing. I will support it to get to committee, but in the end it is just spin. The government has not thought it through or considered what really needs to be done, some other things one might do to really help fix this problem.

In fact, we are left with income trusts that have been cancelled and with OASs that have been extended. We are not helping business or individuals or filling the gap for the 70 per cent of people who do not have pensions and already have group RRSPs or RRSPs. I just do not see what the government is doing, except spinning to make themselves feel better that we are doing something to help people plan, save and invest for their future. I do not think they are, not one little bit.

I think they need to go back to the drawing board and do something real for Canadians and for their future so they can retire with some dignity. They will not be able to do it with this government.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Further debate? Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker *pro tempore*: Adopted, on division.

(Motion agreed to, on division, and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Tkachuk, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

IMPORTATION OF INTOXICATING LIQUORS ACT

BILL TO AMEND—THIRD REPORT OF BANKING,
TRADE AND COMMERCE COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 14, 2012

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use), has, in obedience to the order of reference of June 11, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Runciman, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

KOREAN WAR

NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

Hon. Yonah Martin: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to:

- (a) the importance of the Korean War, the third bloodiest war in Canadian history but often called "The Forgotten War"; and
- (b) Canada's contribution to the three-year war on the Korean Peninsula, including the 26,791 Canadians who came to the aid of South Korea, 516 of whom gave the ultimate sacrifice, and the 7,000 Canadian peacekeepers who arrived following the signing of the Korea Armistice Agreement in Panmunjom 59 years ago this July 27.

[Translation]

CANADA-JORDAN ECONOMIC GROWTH AND PROSPERITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved second reading of Bill C-23, An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan.

He said: Honourable senators, I am very pleased to **speak** today in support of Bill C-23, an Act to implement the Free Trade Agreement between Canada and Jordan.

The Government of Canada's ambitious plan to enhance trade reflects the fundamental role international trade plays in the economic success of our country.

The Canada-Jordan free trade agreement is part of the government's efforts to help Canadian businesses **gain** better access to foreign markets and create jobs for Canadian workers here at home.

In less than six years, Canada has concluded new free trade agreements with nine countries: Colombia, Jordan, Panama and Peru, member states of the European Free Trade Association — Iceland, Liechtenstein, Norway and Switzerland — and, more recently, Honduras.

The agreements concluded with Colombia, Peru and the European Free Trade Association are already in effect.

Legislation to implement the agreements with Jordan and Panama is currently before Parliament, and the agreement with Honduras is currently undergoing a legal review before it is signed.

What is more, negotiations are under way with a number of other countries, including some of the world's largest economies such as India, the European Union and, more recently, Japan.

[English]

The government continues to seek out other opportunities to strengthen Canada's trade and economic relationships with key partners, including the nine members of the Trans-Pacific Partnership: Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, the United States and Vietnam.

The Minister of International Trade noted in early May, at the conclusion of a week-long visit to Australia and New Zealand, that Canada's interest as a Pacific nation in joining the TPP is consistent with our active and growing presence in the Asia-Pacific region.

Deepening our trade and investment ties in the Asia-Pacific region will bring prosperity-generating benefits to working Canadians, and our shared values and commitment to free and open trade will make Canada a highly valued and natural partner in the Trans-Pacific Partnership negotiations.

[Translation]

Honourable senators, we are living in a time when the global economy is fiercely competitive, and it is essential that we conclude free trade agreements like the one with Jordan in order to increase our access to global markets.

• (1530)

The free trade agreement with Jordan is good for Canadians. It is based on our already strong ties to the dynamic Jordanian market and it will allow Canadians to take advantage of current and future opportunities in this growing market.

The Jordanian market has good economic potential, as indicated by the recent increase in import-export trade between Canada and Jordan. In 2011, the value of Canadian goods exported to Jordan totalled \$70.1 million, more than double the 2003 value of \$30.8 million.

Canadian imports of Jordanian goods totalled \$18.7 million in 2011, compared to \$5.8 million in 2003. Once the free trade agreement is ratified, more than 99 per cent of Canadian exports to Jordan will have immediate duty-free access to Jordan's market.

A small number of tariffs will be progressively eliminated over a period of three to five years. Greater access to the Jordanian market will increase business opportunities for Canadian exports in various sectors including wood, construction equipment and materials, and agricultural and agri-food products such as pulse crops, frozen potato products, beef, animal feed and various prepared foods.

However, a free trade agreement must do more than eliminate customs tariffs to be effective. It should also address non-tariff barriers that can prevent a trade relationship from achieving its full potential. This free trade agreement contains new measures to ensure greater transparency, promote compliance with international standards and establish mechanisms to resolve certain trade irritants in an efficient manner.

[English]

The Canada-Jordan Free Trade Agreement also serves as a complement to the Foreign Investment Promotion and Protection Agreement, or FIPA, which Canada also signed with Jordan in 2009, and which came into force on December 14 of that same year. The FIPA establishes clear rules for investment between our two countries.

Canadian investors are particularly interested in opportunities in Jordan's resource extraction, nuclear energy, telecommunications, transportation, manufacturing and infrastructure sectors. This FIPA provides Canadian and Jordanian investors with the predictability and certainty they need when investing in one another's markets.

I am sure honourable senators will agree that this free trade agreement and the 2009 FIPA with Jordan represent a major step forward in the growing economic partnership between Canada and Jordan, and will help to further deepen and strengthen the commercial and economic relationship between our two countries.

[Translation]

But this agreement is important for other reasons too. It reflects the government's view that strengthened trade agreements need not be bad for labour standards or the environment.

I am pleased to note, honourable senators, that the government has also signed parallel agreements on labour cooperation and the environment as part of the negotiation of a series of agreements with Jordan. The agreement on labour cooperation includes a provision to ensure that both parties comply with the International Labour Organization's 1998 Declaration on Fundamental Principles and Rights at Work.

[English]

It commits both countries to respect the core labour standards set out by the International Labour Organization. These standards help eliminate child labour, forced labour and workplace discrimination, and they respect freedom of association and the right to collective bargaining. The Labour Cooperation Agreement also commits both countries to providing acceptable minimum employment standards and compensation for occupational injuries and illnesses. It obliges Jordan to ensure that migrant workers benefit from the same legal protections as nationals when it comes to working conditions.

[Translation]

The agreement on the environment commits both countries to pursuing high levels of environmental protection and improving their environmental protection policies. Under the agreement on the environment, both countries will ensure that effective environmental assessment procedures are implemented along with penalties for violations of environmental protection laws.

Our governments are also encouraging businesses to adopt best practices with respect to corporate social responsibility and to promote public awareness and engagement. The free trade agreement with Jordan is a reflection of Canada's support for an Arab state that shares Canada's desire to promote peace and security in the Middle East.

Honourable senators, the Arab Spring opened the door to pro-democracy reforms in several Arab countries. The May 2011 G8 summit in Deauville adopted the Declaration of the G8 on the Arab Spring, which launched the Deauville Partnership, a political and economic response to the historic events that were taking place in the Middle East and North Africa.

One of the goals of this partnership is to increase trade between countries in transition — including Jordan — and members of the G8 and to promote greater regional economic integration.

The implementation of the Canada-Jordan Free Trade Agreement, the first agreement of its kind between Canada and an Arab country, marks an important step in our efforts. This agreement is also a concrete expression of Canada's commitment to increasing peace and security in the region, while also improving economic conditions.

I would remind honourable senators — especially those with a good memory for historical events — that in 1949, on behalf of Canada, Lester B. Pearson signed the Washington Treaty, which laid the foundation for the North Atlantic Treaty Organization. In article 2 of the treaty, Canada negotiated the inclusion of a section referring to the importance of the allies' economic potential in their quest for stability and security.

Thus, this is not the first time Canada has used treaty negotiations as an opportunity to promote the economic development of its partners in order to ensure greater security for all.

[English]

Honourable senators, we are living in challenging times. In order to ensure that Canada's economy continues to grow and Canadians are able to compete in the global marketplace, trade barriers are being eliminated through new free trade agreements. Protectionism is not the answer.

By passing Bill C-23, implementing the Canada-Jordan Free Trade Agreement, we can help encourage other countries, including developing nations, to reject protectionism and embrace free and open trade. By passing this legislation, we are also helping Canadian workers and Canadian businesses to compete internationally, and Canadians to prosper.

[Translation]

Canada's exporters and investors are among the best in the world, and our government is determined to help them take advantage of the opportunities that are available beyond our borders.

That is why our government has created a pro-trade plan based on our global commerce strategy, why it has been so committed to our bilateral trade program and why it has sought to strengthen Canada's trade relationships by negotiating the Canada-Jordan Free Trade Agreement, for example.

• (1540)

The opportunities are there, honourable senators. Canadians are ready to take advantage of them, and we must help them do so. That is why I hope, honourable senators, that you will join me in supporting Bill C-23 at second reading.

Thank you for your attention. I am now ready to answer your questions.

(On motion of Senator Downe, debate adjourned.)

FIREARMS ACT

LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AUTHORIZED TO STUDY PROPOSED FIREARMS INFORMATION REGULATIONS

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of June 13, 2012, moved:

That the proposed Firearms Information Regulations (Non-Restricted Firearms), tabled in the Senate on June 13, 2012, be referred to the Standing Senate Committee on Legal and Constitutional Affairs, pursuant to subsection 118(3) of the Firearms Act (S.C. 1995, c. 39).

(Motion agreed to.)

[English]

FISHERIES ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Mac Harb moved second reading of Bill S-210, An Act to amend the Fisheries Act (commercial seal fishing).

[Senator Nolin]

He said: Honourable senators, if His Honour were to ask he would find, in the spirit of cooperation, that there is an agreement that I will speak for a few minutes today and then take the adjournment for the rest of my time, if it is agreed by the Senate.

Some Hon. Senators: Agreed.

[Translation]

Honourable senators, I am very proud to speak today to open debate on Bill S-210, which would amend the Fisheries Act to prohibit the commercial fishing for seals in Canadian fisheries waters and to disallow the issuance of commercial licences for seal fishing. Exceptions are made for commercial fishing that is carried out under a licence issued to an aboriginal organization or carried out by certain persons exercising harvesting rights under a claims agreement.

[English]

Honourable senators, I wish to start by first thanking the seconder of this bill, specifically Senator Cools, who has spent many hours waiting for me to pass this bill. I want to thank her for her diligence and her support of free speech. I also want to thank Senator Campbell and Senator Poy for agreeing to allow free speech.

Given the heavy government agenda, including the budget bill and the fact that the Senate is set to adjourn shortly, I have asked for and now received the Senate's support to provide the necessary time for this bill so it can be properly and fairly debated.

When I continue my remarks on Bill S-210, I will focus on the following issues: The status of the commercial seal hunt and the fact that there are no viable markets for commercially hunted seal products; the fact that our primary and secondary trading partners, the United States and the EU, as well as many other countries around the world, have banned the importation of commercial seal products; the fact that the majority of Canadians want an end to the commercial seal hunt; the fact that, out of 14,000 issued commercial seal fishing licences, only an estimated 225 sealers took part in the 2011 commercial hunt, highlighting the de facto end of the hunt.

Honourable senators, I will also talk about the government's need to be frank with commercial sealers and to help them move beyond the clinically dead seal hunt. I will be pointing out the fact that the sealers need to know the truth and the government must stop telling them that all will be fine, new markets are around the corner and that the EU market will reopen once the challenge to the WTO is successful. We know that the World Trade Organization challenge will not result in force-feeding Europe seal products. The challenge will not bring back the market. Europe, like the United States, has said "no, thanks."

Honourable senators, these are desperate times for sealers, who need actual and tangible government assistance and not the lip service they have been getting thus far. I will explain clearly that the sealers' licence buyout is the most effective and fair way to provide that tangible help to these hard-working Canadians and their communities.

I will also be speaking about cod and seals, which are happy neighbours but both are victims of human activities. Cod and seals have swum side by side in the same ocean for thousands of years, long before humans began to fish or hunt. They are not the problem — humans are.

Science shows that seals and cod are not enemies and it is the relationship with forage fish such as herring, capelin and mackerel that have impacted cod stock recoveries. Science will show that it was government inaction and misguided action on the fishery that was responsible for the depletion of the cod stocks and its continuing struggle to recover. The seals are not responsible. The government continues to abandon its responsibility as a steward of Canada's oceans and its resources.

Finally, I will be speaking of Canada's Inuit and First Nations hunters in their economic suffering. When the European Union drafted its ban on seal products, it included an important exemption for Inuit and First Nations' seal products but the government chose to ignore the opportunities this presented.

Canadians are asking these questions: Why not use this exemption for Inuit and First Nations to promote economic development in these struggling communities? Why not facilitate the processing plants, training, certification, labeling processes and marketing initiatives, which are concrete actions that could generate real jobs and real export opportunities for our First Nations? The government should be helping these hunters and not using them as a decoy to defend the unviable commercial seal hunt.

As you can see, honourable senators, there are many serious issues that we need to debate to find real solutions to some very real problems. Instead of working against animal welfare groups and environmental organizations, let us join hands with them to share ideas and resources and find answers that will actually help the communities in Atlantic Canada and in Canada's North. Answers will ensure that Canada fulfills its national and international commitment to sustain marine biodiversity and to ensure we have healthy, safe and prosperous oceans now and in the future.

(On motion of Senator Harb, debate adjourned.)

• (1550)

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— REPORT OF COMMITTEE OF THE WHOLE— DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Committee of the Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012.

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to speak about the Committee of the Whole's report on the revised *Rules of the Senate*.

Honourable senators will recall that the Rules Committee's first report was tabled in the Senate on November 16, 2011, and remained on the Order Paper for several months. At the Speaker's suggestion, the Senate sent the Rules Committee's report to a Committee of the Whole on May 17, 2012.

The Committee of the Whole has now finished its work, and I would like to thank all the honourable senators for their interest and participation. The process was well structured and productive.

Over the course of its three meetings, which were held on May 29, June 5 and June 12, the Committee of the Whole passed a certain number of amendments to the Rules Committee's report. The Committee of the Whole is now recommending that the Senate adopt these amendments and that it also adopt the Rules Committee's report, as amended. If the report of the Committee of the Whole is adopted, the revised Rules will come into effect on September 17, 2012.

[English]

Honourable senators, I will summarize the amendments the Committee of the Whole has proposed, following the sequential order of the report under consideration.

The first amendment in the report of the Committee of the Whole would change the date the revised rules would take effect. It would now be September 17, 2012.

The second amendment deals with the length of bells for appealing a Speaker's ruling. It would be one hour, unless there were leave for a shorter period.

The third amendment deals with the specific wording of the question that strangers withdraw. The wording was restored to its current formulation.

The fourth amendment deals with the organization of Government Business, reflecting current provisions in the rules.

The fifth and sixth amendments, taken together, would ensure that, under the revised rules, the Senate will follow its current practices with respect to the ringing of bells. The interesting idea of a 30-minute bell for votes on certain motions, which the Rules Committee had suggested, was, after reflection, not retained.

The seventh amendment clarifies the role of the Committee of Selection with respect to standing joint committees, indicating that it recommends the number of members to the Senate.

Amendments 8 to 11 provide provisions for dealing with questions of privilege that arise after the time for giving written notice of such matters. If a question of privilege arose after the

time for giving notice, the matter could be raised and considered during the sitting. The Speaker would, however, be authorized to direct that further consideration be deferred to the time for considering questions of privilege raised with notice.

The Committee of the Whole sought to propose a structure that allows senators to raise these important matters in a timely way, while also facilitating the orderly conduct of business.

Honourable senators, amendments 11 to 15 then make provisions relating to leaves of absence and suspensions. As honourable senators know, Chapter Fifteen of the revised rules deals with these matters, so these changes are within the scope of that chapter. They also ensure that the revised rules contain the amendments made to the current rules when the Senate adopted the Rules Committee's second report on December 16, 2011.

The final amendment, number 16, grants authority to update all cross-references in the Rules Committee's report, including the appendices and the lists of exceptions, in light of the amendments proposed by the Committee of the Whole. This will be done by reference to the concordance that the Rules Committee provided in its report.

Honourable senators, this has been a useful process, and I thank the Speaker for suggesting reference to the Committee of the Whole. The Senate has exercised its power by determining how such an important proposal will be dealt with and asking the Committee of the Whole to review it. As a result of this work, we have been able to reflect upon the changes and to make the adjustments I have outlined here.

Let me underscore, honourable senators, that the Committee of the Whole has recommended adoption of the Rules Committee's first report with the amendments that I have just reviewed. I now commend that recommendation to you.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, the draft Rules were examined and revised many times. The Standing Committee on Rules, Procedures and the Rights of Parliament and the Rules Subcommittee did an exceptional job reviewing the different versions.

I am very proud of the work that has been done, the in-depth examination of the Rules, and the communication that took place among the senators to ensure that, today, the Senate Rules are more modern, consistent and respectful of Senate traditions.

As Senators Fraser and Stratton and I explained during our testimony, we tried to draft a French version that was a close reflection of reality and not a translation from English to French. We went over it with a fine-toothed comb. As the saying goes, if at first you do not succeed, try, try again.

At the revision stage, when rereading the text, we sometimes found minor flaws, but those minor flaws are not really a problem because the Clerk has the authority to correct flaws and typographical errors. So there is no problem when it comes to typos.

[Senator Oliver]

However, we have identified a mistake in the French version at rule 4-11(3) that is not a typographical error, and it changes the meaning of the rule. It says:

Il est irrégulier, au cours des affaires courantes et de la période des questions de faire un rappel au Règlement ou de soulever une question de privilège.

The English says:

[English]

During Routine Proceedings and Question Period, it shall not be in order to raise any point of order or question of privilege.

[Translation]

Thus, raising a question of privilege or a point of order during Question Period is prohibited.

The French version says that it is "irrégulier," which does not mean "prohibited" or "out of order." This is an important nuance.

• (1600)

MOTION IN AMENDMENT

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I would like to propose a motion in amendment to this report that would read as follows:

That the report be not now adopted, but that it be amended

(a) by adding the following new recommendation number 4:

"4. Replace the French text of rule 4-11(3), at page 42 of the First Appendix of the report (page 458 of the *Journals of the Senate*), with the following:

"Rappels au Règlement et questions de privilège non permis au cours des affaires courantes et la période des questions

4-11. (3) Les rappels au Règlement et les questions de privilège sont irrecevables au cours des affaires courantes et de la période des questions."; and

(b) by renumbering current recommendations 4 to 16 in the report as recommendations 5 to 17.

The renumbering accounts for the addition of the new recommendation.

That is my proposal, and in accordance with the rules, I believe my time is up.

Hon. Joan Fraser: I have a question for Senator Carignan. I did not understand. Does your motion specify that this is an amendment to the French version?

Senator Carignan: Yes.

Senator Fraser: Okay, thank you.

(On motion of Senator Cools, debate adjourned.)

[English]

NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY TAX CONSEQUENCES OF VARIOUS PUBLIC AND PRIVATE ADVOCACY ACTIVITIES UNDERTAKEN BY CHARITABLE AND NON-CHARITABLE ENTITIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Tardif:

That the Standing Senate Committee on National Finance be authorized to examine and report on the tax consequences of various public and private advocacy activities undertaken by charitable and non-charitable entities in Canada and abroad;

That, in conducting such a study, the Committee take particular note of:

- (a) Charitable entities that receive funding from foreign sources;
- (b) Corporate entities that claim business deductions against Canadian taxes owing for their advocacy activities, both in Canada and abroad; and
- (c) Educational entities that utilize their charitable status to advocate on behalf of the interests of private entities; and

That the Committee submit its final report to the Senate no later than June 30, 2013, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

Hon. Grant Mitchell: Honourable senators, I will speak in favour of this motion by Senator Cowan. I like him a lot and he is right on this motion. We need to have an inquiry into these allegations by Senator Eaton and others about perfectly legitimate charities in our country. I have five reasons to support this and to argue why we need to do it. I may come up with more as I get going, but I am starting with these basic five.

Before I start, I think all honourable senators understand how important the charitable sector on many different levels. It is enormously important financially.

I was at an interesting presentation last night — which I will talk about later in my comments — where the point was made that the charitable sector accounts for a greater proportion of the

GDP than the retail and auto sectors, and probably rivals the traditional oil and gas sector in its impact on its share of the GDP.

It is not insignificant. It is not insignificant as it reflects a point that was made last night by a member of a group which studies the impact and evolution of Christian and other moral religious issues on 21st century life. They made the point that charitable giving is a reflection of fundamental Canadian values shared by many; that is loving and helping one's neighbour.

Honourable senators, this debate is very important on many different levels, but certainly at the levels of the economy and the spirit and values of Canadians. It is also important at the level of the work and the good that is done by charities to develop our society better, to assist the vulnerable, to make for a better environment, and — in that way and others — to make for a better economy.

All of these things add up to make charitable giving and the manner in which this issue is addressed exceptionally important.

There are reasons why we should refer to committee and study this particular issue, because it has been raised in such an aggressive and unfortunate way by ministers of the Crown and by Senators in this house.

The first thing is that the arguments that have been used in this debate by the government are not clear and need to be clarified. They started with a great flurry with the argument that we cannot have international foundations funding public policy debate in Canada because that costs the taxpayers money. It was quickly dispelled, however, that it does not cost taxpayers money because international foundations do not pay taxes in Canada — in fact they do not pay taxes at all — so they do not have any way of costing taxpayers money in that respect.

International corporations that want to develop in Canada and hire lawyers and environmental consultants to make the case in an environmental review process get to write off those expenses, and that cost taxpayers money. However, that argument morphed and frittered away because, of course, the argument did not make sense. It does not cost the taxpayers money.

They then moved to the idea that it is just that no charitable organization getting taxpayers' assistance in that way should be able to participate in the public policy debate. Of course, that sounded good to the Conservatives who made that argument at one level, but I do not think that it was what they meant, although it is not clear.

They did not want to include right-wing, socially conservative groups that might do all kinds of public policy work on abortion, gay marriage or the things they call family values. That would not be included in this attack, of course, so that was not clear. They would not want to lump the Fraser Institute in there, even though all it does is public policy debate. They do nothing else but try to influence public policy.

• (1610)

One can see the contradiction in that their own Prime Minister took the Government of Canada to court, I think it was, to get more freedom for third parties to advertise in the public policy process.

All of these things kind of made their argument about charities not being involved in the public policy process cloudy. Gun control groups probably got funding from international charities, too. We could go on. That made that argument kind of cloudy. After those two arguments, honourable senators might be shaking their heads and wondering why they are doing this. They are doing this because there is one kind of group they do not like because they disagree with that kind of group. I will get to that later.

Then Senator Wallace made a good argument. This one actually probably makes some sense. He said, "Well, there should be more openness." However, even he said he appreciates there should be some privacy with respect to giving, because many donors do not want people to know. There is even a contradiction there.

However, no one I have spoken to in the environmental sector has said they are opposed to openness. Go and look at their annual reports. They are quite open.

The Fraser Institute is not so open. It is disingenuous actually because it says 9 per cent of their donations come from international regions, but they do not say what percentage of their actual money comes in. Nine per cent of their donors are international. That could be 99 per cent of the money they get.

We are left with this kind of cloudy argument in a very important area that has had serious consequences and is beginning to have even more serious consequences on that sector. That is the first argument for why we need to study it. We need to get clear what the government actually means.

While their arguments are cloudy, their public policy impact and initiatives are precise. They are not very open or transparent. The CRA attack was very surreptitious and disingenuous. There is anecdotal evidence that groups that have opposed the government on certain areas have actually been specifically and repeatedly audited, which raises a serious implication. I am not saying — this is all anecdotal. However, it needs to be investigated to see whether that is occurring.

I am just asking the question, Senator Tkachuk — just asking the question.

I will move on.

Another reason is that they have created a chill, and the chill that they will acknowledge — and I am sure is the one they wanted to create — was that they have suppressed the enthusiasm of certain groups for doing what they should be able to do. Those are environmental groups.

The other point that is even more disconcerting in many ways is that there is beginning to be seen a chill. It is anecdotal, but people are beginning to say and see that there is a chill on people giving to charities. In fact, one honourable senator said, "Maybe we will just put our money away and invest it for 10 years until the government sorts this out and settles it down." When one starts to attack some institutions and some charities, one starts to perhaps paint all charities and starts to limit the motivation and enthusiasm of many Canadians to give money.

Last night I was at a group called Cardus, and there was a powerful presentation by a man called Michael Van Pelt. It was an intelligent presentation. One of the elements of his talk about charities and charitable giving was philosophical, practical and really worth reading. I do not agree with much of his ideological perspective — and he was not pronounced in it — but I did really appreciate the thoughtfulness with which he presented.

He made the point that we have relatively low rates of giving as Canadians, and a relatively small proportion of Canadians actually give. The average donation annually can be relatively small.

His point was that there are unintended consequences to public policy initiatives. I am not sure he was talking about this one. I hope it is unintended that the government is beginning to possibly suppress people's enthusiasm for giving money. He is saying we need a redoubled effort to encourage and develop a culture of and value in giving.

Anything that would take a step against that — anything like this — needs to be investigated. We want to clarify that, open it up and ensure that Canadians understand that the governments from its pulpit — I would say bully pulpit — has tremendous power to influence people's attitudes about something like this and it needs to be addressed in an open, public way.

To emphasize an earlier point, the third thing is that we know the government really wants to get at the environmental groups that do something they disagree with. However, it sends a message of concern and doubt to other thoughtful charities. As I said, the Fraser Institute might be next in line or it might be family values groups or churches because they become involved in public policy, too. That is a lot of what they do. There is nothing wrong with that. It is excellent that they should. I am not afraid of debate. I am not sure why this government is.

There are a lot of administrations and boards of charitable organizations wondering, "Who exactly do they mean? Is it just that the government wants to pick on charities that they disagree with, or is the government more principled?" That is to say do they have a principle that they do not think charities should be participating in public policy debate, and therefore all charities should not participate in public policy debate? That is another question that needs to be addressed. We need to clarify the application of this policy.

The honourable senators started it. Some of them did; perhaps not the honourable senator himself.

We have to clarify this for those groups that are unsure whether they are being attacked. The environmental groups know they are being attacked, but the fundamental Christian groups and others do not know and should be concerned, and probably they are.

The third one is that not only were the arguments cloudy, but in the absence of strong arguments, we got strong rhetoric. I do not know that I have ever heard a minister of the Crown, or that I could ever imagine a minister of the Crown at that elevated level, using this kind of rhetoric to slam a perfectly legitimate body — or anybody — in our society.

Minister Oliver actually compared environmental groups to terrorists. It was interesting that Captain Trevor Greene, very seriously wounded in Afghanistan, was in the media stating that it really diminished the work of the men and women who fought real terrorists. That was the first thing.

Then we heard Minister Kent say that sweeping — what is the word they used? A drive-by slur? There was money laundering going on amongst these groups. Can you imagine that a minister of the Crown would say that about an organization? It is a perfectly legitimate one that has been audited a number of times by CRA, doing its contribution to the people of Canada and supported by Canadians who work voluntarily and hard, and for much less money than most Canadians do. He did that.

Then we go to Senator Eaton, who topped it off, I must say:

There is political manipulation. There is influence peddling. There are millions of dollars crossing borders masquerading as charitable foundations into bank accounts of sometimes phantom charities that do nothing more than act as a fiscal clearing house.

Can one imagine? They dole out money to other charities without disclosing what that money is for.

Then arrest them! If that is what honourable senators believe, arrest them. Name names and arrest them. They are breaking the law. Money laundering is a serious matter. If one is going to say that, one had better be prepared to do something about it. Prove it or give these groups a chance to defend themselves.

Is that not a legitimate, fundamental Canadian value of fairness that if one is to slag them, why not give them a similar forum and let them defend themselves? What are honourable senators afraid of? Bullies do that. Bullies do not want to face up to the other argument.

What is it about public debate that this government is afraid of? Why can it not stand toe to toe, debate to debate? They have at least 1,500 communications staff. That is \$100 million a year. They have the bully pulpit of the Prime Minister. They have billions of dollars backing whatever they want to do. They have a majority to close debate and slam omnibus bills through, and this government is afraid to stand and debate and allow a few Canadians to have a say, and to have a little help in having that say, on public policy issues that affect my kids, their kids and our grandchildren.

What is it about this government? What kind of government has been created? It is unbelievable.

• (1620)

It is not just about slamming some people you disagree with, as heinous as that is —

An Hon. Senator: Heinous?

Senator Mitchell: Yes, “heinous” is the word.

Could I have another five minutes, please?

The Hon. the Speaker: The honourable senator is asking for another five minutes.

Some Hon. Senators: Yes!

Some Hon. Senators: No!

Senator Mitchell: It is much bigger than that. It is really and truly a question of freedom of speech. It is a question of democratic values. Is it not interesting how much we hear this government talk about how we send our men and women across the world to Afghanistan and to places like that to fight for our democratic values and rights? Is it not a betrayal that the moment some groups say they disagree with the government and say that in the public policy, perfectly legitimate debate, the government turns around and starts to bully them and slam them, and put them down and cut their funding?

It is not just this case. There is a pattern here. We can talk about the pattern with cutting KAIROS and cutting any funding to groups that want to support women's equality — again, because they are not all that fussy about it. It is not as though this is an isolated case. We have a Prime Minister who says that he will not fund any groups that disagree with government policy. That is, by any other word, bullying. It is picking on weaker groups.

Honourable senators, this is not the kind of government that I ever imagined I would see in this country. It is a government that bullies. It is a government that puts down democratic rights. It is a government that puts down freedom of speech. It is a government that wants to prioritize democratic rights and values. It is okay to speak out and be funded by whatever amount of money one has to support development, but it is not okay to have the other side of that argument and to say that maybe there are reasons why we have to do that development differently. Or to say, “Would you listen to me as a Canadian about some of the concerns that I have?”

Do you know what, honourable senators? That is the democratic process. That is what we are supposed to be here to protect and that is why we are sending people all over the world — our men and women in uniform — to protect, fight and die for our country and, in many cases, to come back with lives that have been damaged irreparably. Even at that, this government is not putting up enough money to support them.

These are some of the arguments for why we need to have an open public inquiry through the National Finance Committee to look into these questions, to clear the air, and to establish some fairness and justice in this process. I cannot for the life of me think why this government, when the Prime Minister stands up so often and wraps himself in the democrat process — and in openness and transparency — would not jump at this chance for some openness, transparency, fairness and justice for Canadians who are working very hard to make this country a better place.

Some Hon. Senators: Hear, hear.

Senator Mitchell: I would like to adjourn the debate.

Hon. Dennis Glen Patterson: Would the honourable senator entertain a question?

Senator Mitchell: Certainly.

Senator Patterson: Honourable senators, Senator Mitchell addressed the concerns in this inquiry about foreign-funded charitable activities as trying to suppress public policy discussion.

[Translation]

Did the honourable senator not hear the point made by Senator Wallace and myself that the present laws in Canada prohibit political activity and that the concern is about putting lawful limits on political activity? He did not address that in his speech.

Senator Mitchell: No. There is a limit to which they are able to engage in political activity. That is not the place where the government morphed its argument. It was morphed from political activity, which is really public policy debate — which is fine — into partisan activity. The government slurred them by saying that somehow they are doing partisan activity. However, it is not partisan, because the government does not agree with it; they are just different views. It is partisan if they gave us money or if they used their staff to campaign for the New Democrats during work hours, but they do not. How do I know? The CRA audits them. The honourable senator knows that. The CRA audits them legitimately and they are sensitive about that.

There is nothing wrong with political activity up to a certain level, and we know that; that is defined in the act. If the honourable senator wants to clarify that point, why do we not have an open public inquiry in front of the National Finance Committee so that we can ask and have those questions answered?

I am not saying that they should be able to do 100 per cent, but I bet that the Fraser Institute does way more than 10 per cent and they get charitable deductions. I bet that, during the heat of some of those significant, socially conservative debates about socially conservative issues, many of those right-wing groups that honourable senators fund happily through others and through their charitable giving were doing way more than 10 per cent of their time and their focus on public policy debate.

If the honourable senator wants to talk about political debate, I am absolutely happy to do it. Let us put it in front of a committee, get some witnesses and do some detailed analysis of it.

Hon. Daniel Lang: Honourable senators, I would like to direct a question to the honourable senator who stands in his place and —

The Hon. the Speaker: Order, please.

I regret to advise honourable senators that Senator Mitchell's time and his extended five minutes have been exhausted.

Is it agreed, honourable senators, that debate on this motion will continue to stand adjourned in the name of Senator Lang?

Hon. Senators: Agreed.

(On motion of Senator Lang, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE POWERS AND RESPONSIBILITIES OF THE OFFICERS OF PARLIAMENT AND THEIR REPORTING RELATIONSHIPS TO THE TWO HOUSES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino,

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on the powers and responsibilities of the officers of parliament, and their reporting relationships to the two houses; and

That the committee present its final report no later than March 31, 2013.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I listened with great interest to what Senator Comeau had to say about this motion.

Senator Comeau raised some very interesting issues. Unfortunately, I have not had the time to study them completely, and I would like to adjourn the debate in my name for the time I have left.

(On motion of Senator Tardif, debate adjourned.)

[English]

TRINIDAD AND TOBAGO

INQUIRY—DEBATE ADJOURNED

Hon. Don Meredith rose pursuant to notice of June 11, 2012:

That he will call the attention of the Senate to:

- (a) the importance of relations between Trinidad & Tobago and Canada over the past 50 years.
- (b) the contributions that people of Trinidadian & Tobagan descent have made to Canadian society.

He said: Honourable senators, I rise today to recognize a momentous occasion for the twin island republic of Trinidad and Tobago.

It was in 1962 that this nation and my home island of Jamaica were the first British islands in the Caribbean to become independent nations. During that year of independence, both of these nations established diplomatic relations with Canada. Since then Trinidad and Tobago went on a step further and became a republic within the Commonwealth of Nations. This testifies to the leadership role this nation plays in the region until this very day.

Affectionately known as "T&T," these twin islands of over 1.2 million residents have become a regional and international centre for arts and culture. This cultural impact can be felt in all the great artistic fields, especially literature, music and their carnival celebrations, which, I am sure, some honourable senators have taken in.

In fact, two Trinidadian authors, V.S. Naipaul and Derek Walcott, have been honoured with the Nobel Prize in Literature, one of the highest international awards for writing. Being honoured among these luminaries reflects the deep artistic soul of Trinidad and Tobago.

This soul carries through into the music and carnival celebrations of T&T, which is the birthplace of the steel pan, considered the only instrument invented and accepted widely in the 20th century. Inspired by the rhythms of the steel pan, calypso, soca, chutney and parang are musical genres that reflect the deep roots of the African and Indian communities that make Trinidad and Tobago one of the most culturally diverse and unique countries in the world.

On the field of play, they have produced some of the best international cricket players. My father-in-law loves cricket — in fact, I almost bought him a bat the other day. In 2006 Trinidad and Tobago became the smallest country to ever qualify for the FIFA World Cup when their national team, known locally as the Soca Warriors, qualified for the tournament for the first time.

In business, Trinidad and Tobago, a country rich in natural resources, has become a major producer of petroleum and natural gas products, 70 per cent of which is exported to the United States.

• (1630)

With one of the highest rates of mineral extraction in the world, Trinidad and Tobago's economy is the largest, most diversified and most industrialized in the Caribbean, making it one of the wealthiest and most developed countries in the region.

As evidence of this progress, honourable senators, last year it was removed from the Organisation for Economic Co-operation and Development's list of developing nations for the first time in its history. With its lush rain forests, beaches and air travel infrastructure, including the headquarters of Caribbean Airlines, Trinidad and Tobago continues to grow as an international tourist destination. T&T is the home of the St. Augustine campus of the University of the West Indies, as well as the University of Trinidad and Tobago, the University of the Southern Caribbean and the College of Science, Technology and Applied Arts of Trinidad and Tobago. Its national economy is ultimately supported and sustained by top-notch post-secondary institutions that produce the leaders and professionals of tomorrow.

Over the past 50 years, Canada has been a major partner of Caribbean nations, especially in the areas of capacity building and trade. In fact, in recent years, bilateral merchandise trade between Canada and Trinidad and Tobago has grown to over \$615 million. Trinidad and Tobago's imports of Canadian goods, which include mineral ores, machinery, paper products, copper, electrical equipment and vegetables, have reached over \$273.6 million in recent years. Meanwhile, Canada's imports from Trinidad and Tobago include organic chemicals, iron and steel and inorganic chemicals, and have reached over \$341.5 million.

Internationally, honourable senators, Trinidad and Tobago's exports also include oil and gas, machinery, transport equipment, mineral fuels, lubricants, food products, beverages and tobacco, reaching a total of \$16.92 billion.

Canada continues to invest in the economy of Trinidad and Tobago, especially in the energy and financial sectors, which are set to grow and continue to strengthen the Caribbean economy. Canada is able to maintain a strong, multi-faceted relationship with T&T by partnering on issues of mutual need, especially the energy sector, and by developing a trade relationship that honours the diversity and strength of both the Canadian economy and the economy of Trinidad and Tobago. By developing a relationship, honourable senators, that relies on diverse imports and exports, Canada is able to support its own economy while giving Trinidad and Tobago a firm base upon which to continue the great industrial development that has made it one of the shining lights in the Caribbean. This will help to spur on the manufacturing sector, which has seen immense growth over the last several years and increase the power that Trinidad and Tobago is able to exert as a growing economic powerhouse on the world stage.

I am honoured to say that in my capacity as senator over the last year I have been helping to strengthen the free trade agreement between Canada and the Caribbean community. This agreement will go a long way in creating jobs and increasing investments between Canada and Caribbean nations like Trinidad and Tobago.

In terms of security, Canada has formed a strong partnership with Trinidad and Tobago by helping to train the Trinidad and Tobago Defence Force, one of the largest defence forces in the Caribbean. T&T has been a proud member of Canada's Military Training and Assistance Program since the mid 1970s, which has resulted in a number of Canadian officers going to Trinidad and Tobago to help its military to develop strategies to deal with disaster management protocols and basic security functions. These security arrangements will only continue to be strengthened into the future.

Beyond trade, capacity building and language, Canada and Trinidad and Tobago are linked at the most fundamental level. They are both parliamentary democracies, with a bicameral system consisting of an elected house and an appointed Senate, based on the Westminster parliamentary system.

Within the Caribbean community, Trinidad and Tobago also has a regional mandate as the seat of the Caribbean Court of Justice.

Here in Canada, a big source of pride is a diverse and talented group of Trinidadians and Tobagans who have chosen to make Canada their home. Trinidadian and Tobagan Canadians, led by Amanda Marshall and Keshia Chante, have dramatically affect the face of the Canadian music industry, while athletes like Stephen Ames, Jamaal Magloire and Randy Samuel have made the country proud of their play on the field.

Some of Canada's most visible and influential positions are held by Trinidadian and Tobagan immigrants, as illustrated by the contributions of CBC reporter Ian Hanomansing and Member of Parliament Hedy Fry.

In our gallery today is another Trinidadian who has played an important part in Canada and in his homeland, His Excellency, Philip Buxo, High Commissioner of Trinidad and Tobago to Canada. Prior to his appointment to his current post, His Excellency spent four years as the director of CARICOM Region Energy and Infrastructure Division at SNC-Lavalin, Canada's leading engineering and construction company. He has worked with the Canadian Commercial Corporation and Export Development Canada to spearhead development initiatives in the Caribbean.

Honourable senators, in celebration of 50 years of relationship, His Excellency the Right Honourable David Johnson, Governor General of Canada, and Canadian officials made a recent state visit to Trinidad and Tobago, testifying to the long-standing relationship our countries have enjoyed. During the visit, Minister Diane Ablonczy made security cooperation announcements. The Governor General addressed the bright minds and faculty at the University of the West Indies and witnessed the signing of a technical framework agreement that will allow Canadian companies to access commercial opportunities in the Trinidadian health sector.

Honourable senators, despite the warm friendship that our countries share at the highest level, the greatest tie that binds us together is over 65,000 Trinidadian and Tobagans who now call Canada home and make contributions to this country, men and women like members of the Trinidad and Tobago Association of Ottawa, under the leadership of the President Ingrid John-Baptiste, who is also in the gallery.

Honourable senators, please join me in celebrating Trinidad and Tobago's fiftieth anniversary of independence and diplomatic ties with Canada. May the next 50 years be marked with great prosperity and blessings for both countries. Thank you.

Hon. Consiglio Di Nino: Honourable senators, I would like to a few brief remarks to this. Some of those 65,000 Trinidadian Canadians that Senator Meredith talks about are members of my family. He may not know that, but, some 25 years ago, my son Frank married a wonderful lady by the name of Mercedes Souza de Castro. She has been my daughter-in-law for the past 25 years and I have two wonderful now young adult grandchildren.

I have experienced some of those human qualities that my colleague Senator Meredith talked about. By extension, the family is much greater than just my daughter-in-law and my two grandchildren, who are part Trinidadian. As is the case in Italian families, we embrace and become larger and just take over more of the world.

[Senator Meredith]

I just wanted to agree with Senator Meredith that they have brought, at least in my life, some great joy and great value. To you, my friend, I say, Amen.

The Hon. the Speaker *pro tempore*: Further debate?

(On motion of Senator Carignan, debate adjourned.)

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CANADIAN FOREIGN POLICY REGARDING IRAN

Hon. Claude Carignan (Deputy Leader of the Government), for Senator Andreychuk, pursuant to notice of May 29, 2012, moved:

That notwithstanding the Order of the Senate adopted on Thursday, February 2, 2012, the date of presentation of the final report of the Standing Senate Committee on Foreign Affairs and International Trade on the Canadian foreign policy regarding Iran, its implications, and other related matters be extended from June 30, 2012 to October 31, 2012.

(Motion agreed to.)

• (1640)

[English]

THE SENATE

MOTION TO URGE THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO GRANT CLEMENCY TO HAMID GHASSEMI-SHALL AND TO ADHERE TO ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—DEBATE ADJOURNED

Hon. Art Eggleton, pursuant to notice of June 11, 2012, moved:

That the Senate urge the Government of the Islamic Republic of Iran to grant clemency to Hamid Ghassemi-Shall on compassionate and humanitarian grounds, call for his release and return to his family and spouse in Canada, and urge Iran to reverse its current course and to adhere to its international human rights obligations.

He said: Honourable senators, Senator Frum asked me to second this motion, which I am pleased to do. In the normal course of events, the proposer would speak first and the seconder would speak after. However, Senator Frum could not be here today to move her motion, and I cannot be here on Monday when she does that.

Honourable senators, earlier this year Senator Frum launched a series of remarks that were made by a number of us on both sides of the chamber with respect to the terrible human rights abuses that occur at the hands of the regime in Iran. We talked at that time individually about different prisoners who were being held. The person that I talked about on February 15 was Hamid Ghassemi-Shall, a Toronto businessman; and I had met his wife. I knew of the situation at Evin Prison in Iran where he was being held and made representation at that time through the regular diplomatic circles. He is still there.

Mr. Ghassemi-Shall left Iran in 1979 during the Iranian revolution and came to Canada. He went back many times over some 29 years and had no problem going in and out of the country. Suddenly in 2008, he went to visit an ailing mother in Iran, and they arrested him. They tried to suggest that he was involved in sketchy espionage-related offences, allegations he denied because they have no substance at all.

His brother is a resident of Iran. He served as a naval officer but was against the government in Iran, which I guess had become known. The regime in Iran does not tolerate opposition sentiments, and so the brother was arrested and interrogated. Unfortunately, some 20 months into his imprisonment he died, probably as a result of torture. Certainly, he underwent a lot of that.

Mr. Ghassemi-Shall, the Toronto businessman, was sentenced to death by an Iranian court in 2009. He did not even have the opportunity for a proper defence. He is a Canadian citizen, but because he is also an Iranian, the regime would not recognize him as Canadian and would not allow the Canadian consular services to go anywhere near him. He continues to wait under a death sentence in Evin Prison.

Senator Frum put this motion forward because every now and then stories come out about mass executions that are about to occur; and God forbid Mr. Ghassemi-Shall would be one of them. The honourable senator put this motion forward so that the Senate may express to the government of Iran that we want him freed. We want him to come back to Canada.

Hon. Senators: Hear, hear.

Senator Eggleton: I understand that a similar motion was adopted in the House of Commons. This motion would become honourable senators' expression of support for his release. I strongly support Senator Frum's motion.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators, that debate be adjourned in the name of the Honourable Senator Frum?

Hon. Senators: Agreed.

(On motion of Senator Eggleton, for Senator Frum, debate adjourned.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. Irving Gerstein, pursuant to notice of June 13, 2012, moved:

That, until June 29, 2012, for the purposes of its consideration of any item of government business, the Standing Senate Committee on Banking, Trade and Commerce have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

Hon. Wilfred P. Moore: Honourable senators, I have a question. The motion says "... for the purposes of its consideration of any item of government ..." I thought the motion was to deal with Bill C-25 and Bill C-11. Why is the committee not sticking to those two pieces of government business?

Senator Gerstein: Could the honourable senator kindly repeat the question? I did not hear him.

Senator Moore: Certainly. I thought the committee was looking for extended sitting hours for the purpose of studying Bill C-25 and Bill C-11. However, the motion says "... for any item of government business ..." I do not know why we are not sticking to the two bills that will be before the committee.

Senator Gerstein: The committee is also dealing with the review of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, as the honourable senator knows; and there are other items that will come before the committee. The honourable senator is absolutely right when he says that Bill C-25 and Bill C-11 will come before the committee.

Senator Moore: With regard to the proceeds of crime review, the committee will deal with that when the honourable senator makes his other motion later, which we totally support. I suggest that this motion should stick to the two bills.

Senator Gerstein: I outlined at the committee today what will be dealt with.

The Hon. the Speaker pro tempore: Is the Honourable Senator Moore proposing an amendment, or is he prepared to go with the language as proposed by the mover?

Senator Moore: I have heard that we should leave it as is because we will be dealing with the proceeds of crime review. Well, I know that; it is Motion No. 98, which will be dealt with on Monday. I do not know why this motion is not limited to Bill C-25 and Bill C-11.

I move that this motion read:

... for the purposes of its consideration of Bill C-25 and Bill C-11 ...

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it was my understanding as well that the Standing Senate Committee on Banking, Trade and Commerce was asking for extended hours to consider Bill C-25 and Bill C-11. It was on that understanding that I thought the request was being made.

The Hon. the Speaker pro tempore: Senator Gerstein or Senator Carignan.

• (1650)

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, we agree to have Bills C-11 and C-25 — the two main bills — examined by the Banking Committee over the next few days.

[English]

The Hon. the Speaker pro tempore: As the mover of the original motion, is the Honourable Senator Gerstein or his seconder prepared to have the motion amended to read:

That until June 29, 2012, for the purposes of its consideration of Bill C-25 and Bill C-11 of government business, that the Standing Senate Committee on Banking, Trade and Commerce have the power to sit, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

[Translation]

Senator Carignan: Honourable senators, given the way the mandate is currently worded, I do not believe that it needs to be amended in order to examine the bills. We therefore object to an amendment to the committee's mandate.

The purpose of this motion is to ensure that we are able to examine Bills C-11 and C-25. We do not see how adding to or amending the existing mandate would change anything.

[English]

Senator Moore: It is there in black and white. This says "any item of government business." That is quite a stretch from limiting it to two bills. We are not dealing with the matter of the review of the proceeds of crime. We will deal with that; we have all agreed to that.

Some Hon. Senators: Question.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question? Is there further debate?

Senator Tardif: I find it rather unfortunate, Your Honour, that at this time we are not agreeing on the parameters of this. "Any item of government business" does include many other things that could be brought forward. I do not see what the problem would be in specifying the motion is with respect to Bill C-11 and Bill C-25. I just do not understand what the problem is. If that was the intent of asking for extended hours, then there is no problem in specifying that.

[Translation]

Senator Carignan: I believe that that is the usual wording, even though the plan is to send only Bills C-11 and C-25 to the Banking Committee. The committee may need to meet to make incidental or administrative decisions. We want to ensure that the committee has all the tools and the authority it needs to successfully do its work until the end of the session. The wording is "until June 29, 2012." We think that is enough of a limitation.

In any case, the Standing Senate Committee on Banking, Trade and Commerce is given its mandate by the Senate. So, every time we send a bill to the Banking Committee, it has to be agreed to by the Senate.

Senator Tardif: Then the request should be made at that time.

[English]

The Hon. the Speaker pro tempore: As I understand it, honourable senators, Bill C-25 is before this chamber now. Bill C-11 has not yet come to the Senate, so under the rules, it is hard to make rules and provisions for something that is not yet here. Part of the broader language would accommodate something that is yet to come.

Hon. Joan Fraser: Honourable senators, that strikes me as an even more unusual procedure.

[Translation]

If I understood correctly, Senator Carignan said that this motion is written in the usual form. That is not my impression. My impression is that when a committee seeks permission to sit when the Senate is sitting, in spite of the *Rules of the Senate*, the motion must clearly specify what the committee is studying. I really do not see why that cannot be done in this case.

Senator Carignan: Honourable senators, I think the mandate or proposal is quite clear. The goal, as we all know, is to ensure that Bill C-25, which has just been referred to the Banking Committee, and Bill C-11, which has not yet gone to the Banking Committee, can be dealt with in the most efficient way possible, especially given that the Standing Senate Committee on Banking, Trade and Commerce was unfortunately unable to do a preliminary examination of Bill C-11 as we had hoped. I think we at least need to make it clear that we can grant the committee the necessary powers immediately so that it can work efficiently when it does receive the bill. I think that is the right thing to do.

In any case, with the work that lies ahead for the members of the Standing Senate Committee on Banking, Trade and Commerce regarding Bill C-25 and Bill C-11, I do not expect any other bills to be referred to that committee between now and the end of the session.

Senator Tardif: I move adjournment of the debate for the time being.

[English]

The Hon. the Speaker pro tempore: It is moved by Honourable Senator Tardif, seconded by Honourable Senator Fraser, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Will those in favour of the motion to adjourn please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will those opposed please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I think the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Call in the senators. There will be 30-minute bell, honourable senators.

• (1720)

The Hon. the Speaker: Honourable senators, I am advised that, should I seek it from the house, I would discover that there is unanimous consent to annul this vote.

Is there unanimous consent, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Honourable senators, the question then before the house is the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Wallin. We are on debate.

I recognize the Honourable Senator Carignan.

[Translation]

MOTION IN AMENDMENT

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, during the break, we agreed on an amendment to the motion which, I believe, demonstrates willingness on both sides and a commitment to ensuring the committee is effective.

I move that the motion be amended as follows:

That, until June 29, 2012, for the purposes of its consideration of Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts, and Bill C-11, An Act to amend the Copyright Act, should this latter bill be referred to the committee, the Standing Senate Committee on Banking, Trade and Commerce have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

(Motion, as amended, agreed to.)

• (1730)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Fausto Solaro del Borgo and Mr. Daniel Kelly, who are members of the Government Council of the Order of Malta.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF SERVICES AND
BENEFITS FOR MEMBERS AND VETERANS OF ARMED
FORCES AND CURRENT AND FORMER MEMBERS
OF THE RCMP, COMMEMORATIVE
ACTIVITIES AND CHARTER

Hon. Donald Neil Plett, pursuant to notice of June 13, 2012, moved:

That, notwithstanding the order of the Senate adopted on Wednesday, June 22, 2011, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study on the services and benefits provided to members of the Canadian Forces, to veterans, and to members and former members of the Royal Canadian Mounted Police and their families be extended from June 17, 2012 to June 28, 2013.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, June 18, 2012, at 6 p.m.)

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Monday, June 18, 2012



The Honourable DONALD H. OLIVER
Speaker pro tempore

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THE SENATE

Monday, June 18, 2012

The Senate met at 6 p.m., the Speaker *pro tempore* in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

THE LATE ROLAND DÉSOURDY

Hon. Ghislain Maltais: Honourable senators, it is my privilege today to spend a few minutes speaking to you about one of Quebec's and Canada's great builders: Roland Désourdy, founder of Désourdy Construction.

Mr. Désourdy was an entrepreneur, a public administrator, but most of all a great humanist. He was behind countless projects in Quebec, from the Olympic stadium to James Bay, Churchill Falls and several hospitals. He was one of Quebec's great builders.

Throughout his life, Mr. Désourdy devoted much of his time to his community. He was the mayor of Cowansville for over a decade and a founder of Bromont and its industrial park. The thriving population of Bromont owes its vibrant city in its natural setting to Mr. Désourdy. He and his friends and collaborators created the city from top to bottom. Today, the city of Bromont is known around the world for its skiing and its racetrack, but most of all for its technology park.

Thanks to Mr. Désourdy's initiative, companies like IBM Canada have chosen Bromont for its quality of life and the fact that people there live in harmony with nature and enjoy a good work-life balance. Other companies have come there to set up shop over the years.

Mr. Désourdy loved horses. In 1976, he hosted the Canadian Olympic Committee and the International Olympic Committee and they held Olympic championships in Bromont. At his home, he hosted Prince Philip, Prince Charles and Princess Anne, who was competing at the time.

Above all, Mr. Désourdy was focused on the future. He built a society in which people could live happily. He understood that good workers — he himself was born into a family of modest means — need quality of life for themselves, their families and their children. That was his lifelong goal. He passed away last year at the age of 93.

I had the pleasure of attending the renaming of the Bromont airport, which is now the Roland-Désourdy Airport.

It is my honour to introduce you to his son, who is in the gallery today. Gérald Désourdy has been involved in many facets of his father's business.

Roland Désourdy was truly a good man. He was a role model for many Canadians. Young people today are seeking role models in Canada and Quebec. I truly believe that they would do well to choose Roland Désourdy.

Honourable senators, the Désourdy name will stand as an inspiration to Canadians and Quebecers for a long time to come. He was a great Quebecer and most of all, a great Canadian.

[English]

AUTISM

Hon. Leo Housakos: Honourable senators, I want to take this opportunity to comment on the increasingly complex issue of autism in our country.

While there is a great deal of discussion regarding the diagnostic criteria with respect to autism, the fact remains that up to 1 in 110 children are diagnosed with the disorder every year. This phenomenon has a profound effect on individuals, families and our nation as a whole.

Honourable senators, on February 11 of this year, Senators Jacques Demers, Jim Munson, Francis Fox and I had the privilege to co-host a wonderful fundraiser organized by the American Hellenic Educational Progressive Association in support of a very special institution in Montreal, Giant Steps School and Resource Center for Autistic Children. What made this event — the Thirteenth Annual AHEPA Valentine's Ball — so special was that it brought together several hundred community and business leaders while crossing partisan lines, all in a good cause that ultimately raised over \$130,000 for Giant Steps. It was an excellent result for children afflicted with autism.

The program offered by Giant Steps is based on a comprehensive approach, including a variety of therapies and pedagogical techniques. Every child is followed by a highly trained child care worker and, where possible, students from this educational institution also attend a regular school several times a week as part of Giant Steps' inclusion program, thereby ensuring contact with "neurotypical" students. This is what makes the Giant Steps approach unique.

I also had the opportunity to speak with many of the parents and professionals affiliated with the Giant Steps program. I discovered that this school is, according to them, the only one in Quebec dedicated exclusively to autism.

In addition, this institution currently has well over 600 children on its waiting list. As a result, the Giant Steps Resource Centre has taken on the task of reaching out to the community by organizing conferences and workshops for parents and professionals, while offering consultations and other services as well.

• (1810)

While the Giant Steps school's efforts must be commended, the fact remains that we are not doing enough to support its efforts and other similar programs throughout our nation. Early diagnosis and intervention are critical, yet the medical system is clearly falling behind while the rates of autism soar. Parents complain of the increasingly high costs of therapies, while the public system has failed to provide adequate services.

Honourable senators, I take this opportunity to congratulate AHEPA for demonstrating leadership at a grassroots level in supporting the Giant Steps program specifically and the cause of autism generally.

I would also like to thank Senators Munson and Fox for putting their views on politics aside and joining forces with Senator Demers and myself on behalf of such a wonderful cause.

It is now time for us to work on a comprehensive strategy to deal with issues of autism on a national scale. The measures of the greatness of a nation are compassion and opportunity. That is who we are as a country and what makes us great as a people, because we believe that a disability should never prevent a Canadian from reaching his or her full potential in our society.

SYRIA

POLITICAL UNREST AND VIOLENCE

Hon. Hugh Segal: Honourable senators, the situation in Syria has become very much worse in the three months since the matter was raised before you. It is time that we ask ourselves whether Syria has become our generation's Czechoslovakia. Syria has not been invaded by a foreign power, but foreign powers and a brutal Syrian military are deeply involved in killings and deaths in the thousands.

Aside from pious declarations and failed UN observers, the world stands idly by. Arab children and mothers are massacred, tortured and even used as human shields on Assad's armoured vehicles, and we stand by. Apartment blocks are shelled until all are dead, and we stand by.

Kofi Annan's courageous and sincere efforts were used by President Assad to buy more time and kill more people. Armed by Iran and Russia and protected by UN Security Council vetoes wielded by China and Russia, Assad and his army and its armed militia have become the poster team for brutal impunity. Recent U.K. media reports that a Russian-operated cargo vessel with Mi-25 flying tank helicopters and anti-aircraft missiles is en route to Syria, along with prospective shipments of further arms and jets, deepen the strategic costs to the Arab League and to all of us of remaining disengaged.

Syria is an Iranian client and proxy state, supporting regional and global terrorism. The Russians, in a desperate effort to sustain their Syrian naval base and foothold in the region, are implicating themselves ever more fully in the military and diplomatic system upon which Assad depends. The Syrian military will have little to fear until NATO and the Arab League declare and enforce a no-fly zone to keep Syrian

helicopters from attacking their own civilian population. Until NATO ships with sea-to-shore missile capacity and helicopter forces patrol off the Syrian coast, and until Syrian command and control system and centres are neutralized, the Syrian army will have no reason to demure from orders that are war crimes in their very transmittal and execution.

Our Turkish allies, Jordanian trading partners and Lebanese friends deserve our logistical and tactical support in the refugee burdens that they have embraced or will face. Ceasefire negotiations in Syria cannot even start until Assad and his Iranian puppeteers understand that the time frame for impunity has passed.

Promoters of inertia, arguing that the risks of intervention are too high, seem blind to the real risks of inertia itself. An Assad victory, through killing thousands of his own people — an old Assad family tradition, by the way — would keep in place a murderous and violent dictatorship that uses terror and oppression to stay in power, steal from its people, and advance Iranian regional aspirations and Russian geostrategic initiatives. This would all be at the expense of stability and peace in Turkey, Jordan, the Palestinian Authority, Lebanon and Israel. If the bloodshed continues with no Western or Arab League military stabilization presence, the genocidal risk to minorities not aligned with the more radicalized opposition, such as the Alawites, increases substantially.

In closing, let me make the case that it is always difficult to intervene. These interventions are complex and messy. Standing by and watching is not complex or messy. It is simply criminal.

[Translation]

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF MR. KEITH BEARDSLEY

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to table the report on the investigation into the lobbying activities of Mr. Keith Beardsley, pursuant to section 10.4 of the Lobbying Act.

PARLIAMENTARY LIBRARIAN

CERTIFICATE OF NOMINATION TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the certificate of nomination of Sonia L'Heureux as Parliamentary Librarian.

CERTIFICATE OF NOMINATION REFERRED TO JOINT
COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the Certificate of Nomination for Sonia L'Heureux, Parliamentary Librarian, tabled in the Senate on June 18, 2012, be referred to Standing Joint Committee on the Library of Parliament for consideration and report;

That the Committee submit its report no later than June 30, 2012; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

[English]

FEDERAL FRAMEWORK
FOR SUICIDE PREVENTION BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-300, An Act respecting a Federal Framework for Suicide Prevention.

(Bill read first time.)

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

• (1820)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF SOCIAL INCLUSION AND COHESION

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on November 22, 2011, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs,

Science and Technology on social inclusion and cohesion in Canada, be extended from June 30, 2012 to December 31, 2012.

[Translation]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON ISSUES
RELATED TO INTERNATIONAL AND NATIONAL
HUMAN RIGHTS OBLIGATIONS AND
REFER PAPERS AND EVIDENCE

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on June 22, 2011, the date for the final report of the Standing Senate Committee on Human Rights on issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations be extended from June 30, 2012 to June 28, 2013.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I will draw the attention of the Senate to the Report of the Canadian Parliamentary Delegation of the Canada-Europe Parliamentary Association, respecting its participation in the Parliamentary Mission to the Republic of Cyprus, the next country to hold the rotating Presidency of the Council of the European Union and the United Kingdom, which was tabled in the Senate on Thursday, June 14, 2012.

[English]

QUESTION PERIOD

INTERNATIONAL COOPERATION

GLOBAL MALARIA PREVENTION

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. According to the 2011 World Malaria Report released by the World Health Organization, malaria mortality rates have fallen by more than 25 per cent globally since 2000. However, that same report also warns that these projected gains may very well be threatened by projected shortfalls in funding.

The UN Secretary-General's Special Envoy for Malaria, Mr. Raymond Chambers has stated:

With malaria deaths in Africa having fallen significantly since 2000, the return on our investment to end malaria deaths has been greater than any I have experienced in the business world. But one child still dies every minute from malaria - and that is one child and one minute too many. . . .

My question to the leader, which I have asked before as well, is what role will Canada play to help ensure that progress continues to be made and malaria becomes a thing of the past?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, of course all of us can be proud of the role of Canadians in this marked downturn in the number of cases of malaria.

With regard to future endeavours in this area, I would have to make a specific request to the department for more precise information. I thank the honourable senator for the question.

Senator Jaffer: I have a number of supplementary questions, and I respectfully understand that the leader must consult.

What resources have been allocated to help ensure that millions of men, women and children no longer die from this entirely preventable and treatable disease? Will Canada take the same leadership role as it took on maternal health? How much funding is Canada providing to multilateral organizations that work tirelessly to combat malaria?

Lastly, I have seen in the villages where I work that DDT does make a difference. Will Canada revisit the issue of DDT and make sure that it can be used in Africa to eradicate malaria?

Senator LeBreton: I thank the honourable senator. Of course we all know the story of DDT, how it is banned and the residual problems that the ban seems to have created. I do not believe there has been any reassessment of the use of DDT, but there is no question that banning it has had an effect on the mosquito population.

I will be happy to take all of the supplementary questions that the honourable senator poses and reply to them in the form of written responses.

[Translation]

NATIONAL DEFENCE

IMPACT OF BUDGET CUTBACKS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. I would like to draw the attention of the Senate to the Department of National Defence budget following two major rounds of budget cuts.

It is very hard to grasp the full impact of the cuts when, week after week, we hear that certain projects are being delayed, certain projects are being reduced and other projects are being eliminated.

Can the Leader of the Government tell us what impact these cuts have had on the Department of National Defence with respect to equipment procurement compared to costs related to personnel, maintenance and operations?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. One of the facts that tends to get overlooked in this discussion with regard to budgeting at National Defence and other departments, but particularly with National Defence, is that this government has made unprecedented investments in the Canadian Forces in recent years. Since we took office, the defence budget has grown by an average of \$1 billion a year. Obviously, all departments have come to the government with their proposals, which the government has accepted, by and large. We will continue to fund the department at a level far greater than it has ever been funded in the past. We believe that National Defence can operate within the budgeting envelope that they have requested.

Senator Dallaire: Honourable senators, it is true that the Conservative government continued the growth that the Liberal government commenced in the early part of the 2000s, where the growth of \$1 billion a year was already functional for three years before the Conservatives came to power. Of course, the impetus of going to war would require the government to certainly spend money to meet the challenge that years before was not met.

I bring to the honourable leader's attention the 1987 white paper wherein Perrin Beatty promised the world during the Cold War, and within two years Minister Wilson completely destroyed that white paper and, having been personally involved in the acquisition process, nothing was purchased. However, I am not negating the fact that the government has been acquiring equipment and responsibly had to do that to meet the needs of our soldiers in order to reduce the risk and achieve the mission success you have experienced.

My question concerns the future, if the government were to have a policy paper like Canada First that contained a list of requirements for capital acquisition. Now that the impact of cuts is being felt, can the leader tell us whether that capital program is in line proportionally with the plan originally established by the Canada First process? As an example, has it gone below the risk level of rust-out at 23 per cent of the overall budget?

Senator LeBreton: When the honourable senator was referring to the Liberals, I guess he was referring to that period which the former Chief of the Defence Staff declared a decade of darkness. I guess that is why soldiers were sent into the field in Afghanistan with green uniforms.

Honourable senators, unlike the Liberals, our government actually bought equipment for the military. For example, we delivered four C-17 Globemasters, 17 C-130J Hercules and over 1,000 new medium support vehicles and Leopard 2 tanks.

• (1830)

As the honourable senator indicated, over the past two years, the Department of National Defence has examined ways to implement cost-saving measures to ensure efficiency and effectiveness. That combined with the end of the combat mission in Afghanistan, National Defence will return to a more normal pace of operations. Over the coming weeks and months, departments will be informing people of the specific changes, which will be communicated accordingly.

The Department of National Defence has received incredible support from our government and will continue to receive incredible support from our government, bearing in mind, as the honourable senator and I pointed out, that we have spent over \$1 billion per year since we came into government.

Senator Dallaire: Yes, it is true that there has been support; but it is waning. As an example, the decision two years ago to stop moving vote 5 money to vote 1 near the end of the fiscal year essentially cut over \$400 million from the budget of National Defence because they could not spend it. The capital program is essential for the future. We do not want rust-out, which the Honourable Perrin Beatty wanted to stop but did not. The decade of darkness exercise started during the Mulroney era, may I say.

I have seen the capital program and apart from the Chinooks and the tanks, all other projects were already in the mill. To bring a capital project to fruition takes 15 to 20 years. There was an accelerated process to bring them in sooner and we applaud that. However, we wonder at times whether those people from the Office of the Auditor General are not under the gun for having done such excellent work.

We are looking into whether the capital program is affordable, which means within the funding envelope that DND receives. Is it affordable? I will situate it if I may. The government, in over reacting to the Auditor General's report, decided to fix the amount of money for the F-35s at \$9 billion. Taking that decision means that the mission will be at risk because there will not be 65 of them, the minimum number to be purchased to meet the needs of the air force. The decision on such a massive project was taken, and it put that project at risk. What about the other projects that might be at risk because of a capital program that is not affordable?

Senator LeBreton: Certainly, with regard to the Auditor General and the F-35s, the honourable senator espouses a view that is not shared by some of his colleagues.

Monies allocated by the government for National Defence are required to maintain a viable force. However, we expect the Department of National Defence, as we expect all government departments, to continue using and managing these funds in a responsible way. The honourable senator has shared his views on the F-35s in this place before. With the oversight committee, the government will ensure that all the proper procedures are followed and that all figures on the program will be verified independently before proceeding.

Senator Dallaire: It is known within cabinet and throughout the bureaucracy that National Defence, which has the largest discretionary fund in government, is monitoring closely how it

expends its funds. The division of funds between capital acquisition, operations and maintenance, and personnel is also well known within the bureaucracy. As the Canada First Defence Strategy says, it is fundamental that capital acquisitions meet a certain level of funding to achieve that policy base.

Could the Leader of the Government in the Senate ask her colleague at National Defence to respond and guarantee that the capital program, after these reviews, will still be affordable?

Senator LeBreton: Honourable senators, I do not know what the honourable senator bases his facts and figures on. Certainly, he has had experience in the Department of National Defence. I will be happy to take that last question as notice.

All departments will be expected to properly manage and oversee the funds that they are provided in order to carry out the responsibilities of their respective mandates.

CANADIAN HERITAGE

NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

Hon. Grant Mitchell: Honourable senators, the government is spending \$30 million on a glorification-of-war project to commemorate the War of 1812. In order to find this money, they had to make some decisions about priorities; and I would like to question those priorities.

In order to find \$1.7 million of that \$30 million, the government is closing the National Archival Development Program. A letter from Debby Shctor, President of the Archives Society of Alberta, makes this point:

The elimination of this program will have a far-reaching and devastating impact across Canada, since we are now facing the literal collapse of the Canadian archival system comprised of historical societies, religious archives, municipal archives, Aboriginal archives, ethnic minority archives, educational archives, museums and libraries. This program has sustained the historical research and historical records created for important groups and communities small and large across this country.

Why would this government think that glorifying the War of 1812 is more important than sustaining and supporting these important groups that do historical research and create historical records about the richness of the heritage of communities and groups across this country?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the two hundredth anniversary of the War of 1812 is an important event in the history of our country. The Department of Canadian Heritage plans ahead for events and has already begun planning for Canada's birthday in 2017.

Library and Archives Canada, as I answered a few weeks ago, has the necessary funds to deliver its mandate; and more services will be available to Canadians online. The honourable senator was one of the most technically savvy of all senators from the very

beginning so he would appreciate the importance of providing these services online. This modernization initiative will improve and expand access to Canada's documentary and cultural heritage for all Canadians, regardless of their interests, profession or location.

The new Canadian Feature Film Index and the Lest We Forget Project, which I am sure many honourable senators participated in, are just two initiatives aimed at making Library and Archives Canada more accessible than ever. Library and Archives Canada, like most important agencies of government, is receiving the necessary funding and is simply modernizing to meet present day needs.

FISHERIES AND OCEANS

EXPERIMENTAL LAKES AREA— CLOSURE OF RESEARCH FACILITY

Hon. Grant Mitchell: That costs money too, and they are not getting the money for it. It costs money to make this stuff.

• (1840)

As an aside, the Leader of the Government in the Senate just said the nicest thing I have ever heard her say about me. In fact, it may be the only nice thing she has ever said about me, that I actually have technical expertise. I thank her very much for that. I appreciate it. We clearly had a weekend off. Everyone is relaxed and having a good time.

I do not mean to break the mood, honourable senators, but back to the question of priorities and the fact is that the government is putting \$30 million into glorifying war through its War of 1812 project. However, it is getting \$2 million of that money by closing down the Experimental Lakes Area program, a unique internationally renowned outdoor laboratory for ecosystem research. Scientist John Smol from Queen's University said:

Some countries have large particle accelerators. We have the Experimental Lakes Area.

For \$2 million of the \$30 million that is going into the War of 1812 project, we are losing this remarkable resource. Has anyone in this government done a cost-benefit analysis to see if forfeiting \$2 million in favour of \$30 million for the War of 1812 project will pay off? Will we make up the high-level intellectual jobs, the internationally renowned contribution we can make to eco-study, or will we just throw the money away on the glorification of a war that is 200 years old?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I take issue with Senator Mitchell calling it the glorification of war. One of the criticisms about Canadians is that we do not know enough about our history. The War of 1812 is a very important part of our history and the formation of our country.

As I indicated to Senator Dallaire, each department is advanced money for the implementation of its programs. One of the responsibilities of Heritage Canada is educating Canadians about our history.

With regard to the Experimental Lakes Area, the science remains essential. Through the Department of Fisheries and Oceans, Canada will continue to conduct important research on Canada's fish and their habitat. Research in fresh water will continue at various locations across Canada in response to departmental needs. We are continuing our work to transfer this facility to a university or another non-governmental research group.

The work will continue. Many universities and research groups are moving into these areas. In the past, the government had to go it alone, but now we have scientific research facilities and other people who contribute to this.

Senator Mitchell: Honourable senators, it is estimated that it will cost about \$25 million to do the site remediation that will be necessary for this lake system when this facility is shut down and vacated. Has anybody given any thought to the fact that saving \$2 million now will end up costing \$25 million tomorrow? Would that money not have been better spent sustaining this project and its important scientific research into the importance of the ecosystem, or is it simply: "No data, no science, no problem"? Is that the new motto of this government?

Senator LeBreton: The honourable senator is incorrect. Since 2006 we have invested in science to update and refit laboratories, to construct three new science vessels and to complete ocean mapping for Canada's Law of the Sea submission, as well as funded science to support emerging commercial fishing in the Arctic. Budget 2012 announced further investments to support fisheries science, to improve mapping of key coastal ecosystems and to do research on marine pollution.

The honourable senator is incorrect to claim that we are not doing a considerable amount of work in this area.

[Translation]

CANADIAN HERITAGE

NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

Hon. Maria Chaput: Honourable senators, my question is a follow-up to the questions asked by Senator Mitchell about Library and Archives Canada, but more specifically about the National Archival Development Program that has been cancelled.

This program directly supported more than 800 projects at the local and regional levels. More than 800 projects were supported over 26 years. These were community projects: museums, heritage, parishes, communities, Aboriginal people, multiculturalism. The assistance provided was very modest — ranging from \$5,000 to \$50,000 — but the impact these projects had on many communities was priceless. This money enabled them to talk about their history, to promote awareness in the community and to develop local archives to help preserve our history.

Once again, by cancelling the National Archival Development Program at the local and regional levels, minorities will be deprived of important funding and our country's history could be lost.

Can the leader tell us what will happen to all of these community initiatives that helped build our archives? We could have the best archives in the world, we can talk about distributing information through new social media, but if the basic work is not being done in our communities, what will happen to our history?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I said to Senator Mitchell, Library and Archives Canada has the funding necessary to deliver on its mandate. I imagine that the projects the honourable senator speaks of fall within the mandate of Library and Archives Canada. They have the necessary funding. I cannot specifically comment on every project that they may submit for funding.

Senator Tardif asked a similar question a few weeks ago, and we provided a written response to her. I can only say that Library and Archives has the necessary funding to deliver on all of its mandate. There is nothing more I can add.

[Translation]

Senator Chaput: Honourable senators, what worries me is how these cuts are made and who decides. Could the leader tell us whether the National Archival Development Program will be preserved when these cuts are made, because from what I heard, it has been cancelled. Could the leader get that information for us please?

[English]

Senator LeBreton: Honourable senators, I will get a copy of the answer tabled last week in response to Senator Tardif. It is on the record.

Agencies and departments of the government are provided funds to implement their mandates. There is an individual within Library and Archives Canada who is responsible for assessing the various projects that are submitted. That is how governments operate. Once government funds are budgeted for and provided to the various departments and agencies, they go forward and implement their programs as they see fit.

I do not know if there is a list of individuals within Library and Archives Canada who would make these decisions. I will point the honourable senator to the answer we gave last week to Senator Tardif.

• (1850)

ORDERS OF THE DAY

SAFE DRINKING WATER FOR FIRST NATIONS BILL

THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Plett, for the third reading of Bill S-8, An Act respecting the safety of drinking water on First Nation lands;

And on the motion in amendment of the Honourable Senator Dyck, seconded by the Honourable Senator Watt, that Bill S-8 be amended in clause 3, on page 3, by replacing lines 9 to 11 with the following:

"Act, 1982."

Hon. Dennis Glen Patterson: Honourable senators, I would like to take this opportunity in speaking to the proposed amendment to the non-derogation clause at third reading of Bill S-8 to thank Honourable Senator Dyck for her remarks on the bill. We have heard many speeches and testimony and received correspondence on many important elements, none more so than the complex issue surrounding Aboriginal rights and the inclusion of non-derogation clauses in legislation.

Speaking of Aboriginal rights and respect for Aboriginal rights, Senator Dyck closed her remarks in speaking to her proposed amendment on this bill by referring to what she said were the unacknowledged rights of the Algonquin people on whose unceded land this chamber sits.

In fact, I must note that Canada and the Province of Ontario are, as we speak, negotiating towards a modern day treaty with the Algonquins of Ontario and are now working on an agreement in principle.

However, turning to Bill S-8 and the amendment proposed by Senator Dyck that is before this chamber there can be no more important legislation than dealing with the health and safety of our citizens. That is a responsibility which we must take very seriously.

Today, our citizens who reside in First Nations communities do not have the same protections for their health, safety and well-being as do all others. This is because on reserves, there is no legislation. There is a vacuum governing the health and safety of drinking water and the effective disposal of waste water.

This bill enables First Nations and the Government of Canada to move forward to rectify this untenable situation. Therefore, in response to the proposed motion, I have three key points to make. I hope we can pass this much-needed legislation and allow it to be considered in the other place.

First, amending the non-derogation clause to remove the qualifier "except to the extent necessary to ensure the safety of drinking water on First Nation lands," would potentially prevent the government and First Nations from protecting sources of drinking water on First Nation lands, thus negating one of the main purposes of the bill before honourable senators today.

Second, the final phrase of the non-derogation clause is narrow but important since it helps to protect the essential right of all First Nations children, women and men to have access to safe, reliable and clean drinking water like every other citizen of this country.

Clause 3 is not designed to protect government or to allow government to run roughshod over Aboriginal and treaty rights. It is solely to ensure that members of First Nations communities have the same protection as all other Canadian citizens.

Third, the non-derogation clause included in Bill S-8 is the product of a compromise between First Nations and the government. It is a direct result of the government collaborating with First Nations to come up with a solution to a very contentious issue. It embodies the balance which must be struck by First Nations between Aboriginal and treaty rights and the larger community's need to set rules to help guarantee that everyone has access to safe, reliable and clean drinking water.

I would like to elaborate on these points.

First, Senator Dyck said:

... no one in their right mind, Aboriginal or otherwise, would argue that they have a constitutional right to harm their own safety by dumping garbage or waste water so close to their drinking water source that it makes their drinking water unsafe to drink. No one would be ignorant enough to knowingly and wilfully endanger the health of their family, children or the community as a whole.

Of course, no one would knowingly endanger their family or community, but the fact is that after the tragedies of Walkerton and North Battleford, we know that actions taken by individuals can have unintended negative consequences. A regulatory framework is the ideal mechanism to ensure that individuals are aware of potentially dangerous behaviour and can be restricted from undertaking those actions.

In Walkerton, seven people died and more than 2,500 got sick. In North Battleford, approximately 7,100 became sick and both of these tragedies were the direct result of contaminated source water. In Walkerton, cows were allowed to graze by the water source. In North Battleford, there was a failure to properly treat the drinking water. It is possible that, in a First Nation community, an individual would claim an Aboriginal right to use his or her parcel of land as they please. This right could be pitted against the community's right to safe water. Bill S-8 and the subsequent regulations would set up parameters so that the health and safety of the community's citizens are paramount.

There is a risk that the inclusion of a standard non-derogation clause in Bill S-8 could prevent the regulations from restricting the individual's exercise of his or her Aboriginal or treaty rights, even if that exercise was in direct conflict with the health and safety of the community.

By including the final phrase in the non-derogation clause, the government, with the help of First Nations, will be able to ensure that regulations are crafted in a manner that deals with Aboriginal and treaty rights fairly and that strikes a balance between rights and safety.

Second, Senator Dyck mentioned that:

There are clauses that could override the existing Aboriginal and treaty rights of Indian Act First Nations as well as any self-governing or other First Nations who choose to opt in.

I would first like to address the point that Bill S-8 would infringe on the rights of self-governing nations.

The regulations stemming from the bill would only be paramount to existing laws and bylaws should those self-governing First Nations choose to opt-in to the bill. It is only sensible that a community that chooses to adopt a regulatory regime would then be subject to that regime.

Regarding Indian Act First Nations, contrary to what was said, the scope of the legislation generally and of the non-derogation clause specifically is narrower than was suggested. It is designed solely to protect the essential right of First Nations to have access to safe drinking water. Let me state that the government is not changing the deal regarding Aboriginal and treaty rights. The non-derogation clause is not a derogation clause since it cannot diminish the protection provided by section 35 of the Constitution Act, 1982.

The government's intent is to maintain the current approach where it is possible that infringement could be justified in accordance with the test developed by the Supreme Court of Canada in *R. v. Sparrow*.

The federal government takes section 35 rights seriously and seeks to protect both Aboriginal and treaty rights. The Constitution Act, 1982, provides strong protection of Aboriginal and treaty rights, and this is what the proposed non-derogation clause in Bill S-8 aims to reaffirm. The Supreme Court of Canada has reminded us over the years that Aboriginal and treaty rights exist. They are not absolute. Like any other rights in Canada, governments can only justify infringements of Aboriginal and treaty rights in accordance with a strict justification test developed by the Supreme Court of Canada.

The non-derogation clause in Bill S-8 has been designed with this test in mind. It reaffirms the need to balance rights as the Supreme Court of Canada has confirmed in many judgments. In other words, it does not take any Aboriginal and treaty rights away. It preserves the status quo regarding Aboriginal and treaty rights in Canada by simply reminding us that, as the Supreme Court of Canada has affirmed, limits to Aboriginal and treaty rights do exist.

One of the main points of this test, developed in the seminal Supreme Court decision of *R. v. Sparrow* is whether the infringements would be done for a "valid legislative objective." As I mentioned during the second reading debate of Bill S-207,

An Act to amend the Interpretation Act (non-derogation of aboriginal and treaty rights), it is my opinion that the provision of safe drinking water is a pretty clear "valid legislative objective."

• (1900)

The non-derogation clause merely reaffirms the legislative objective of Bill S-8 and aims to bring balance to the discussion of Aboriginal treaty rights in the context of safe drinking water, in complete conformity with the *Sparrow* decision.

This leads me to my third and final point. This non-derogation clause is the product of collaboration and compromise between First Nations and the government. It embodies the balance that must be struck by First Nations between Aboriginal and treaty rights and the larger community's need to set rules to help guarantee that everyone has access to safe, reliable and clean drinking water, which both the federal government and First Nations strongly believe in.

The non-derogation clause sets the context for the kind of important discussions that will have to take place between government and First Nations when regulations are developed. First Nations and government will work together to identify the parameters needed to ensure access to safe, clean, and reliable drinking water. The regulations will strike a balance between meeting prescribed standards and local decision making.

The non-derogation clause, as written in Bill S-8, is important to uphold the objective of the legislation and to provide tools to both government and First Nations leaders to ensure First Nations women, children and men can have access to clean, safe and reliable drinking water.

During the extensive consultations that took place over the last six years, numerous First Nations public works specialists expressed the need to have tools to do their work properly and to have access to appropriate safeguards to provide drinking water to fellow community members. The non-derogation clause has been designed to ensure that all the tools that will be included in the regulations can be used.

In conclusion, I would like to remind honourable senators of my three main points. Amending the non-derogation clause to remove the qualifier "except to the extent necessary to ensure the safety of drinking water on First Nation lands" would prevent the government and First Nations from protecting sources of drinking water on First Nations lands. The final phrase of the non-derogation clause is very narrow, but important, since it helps to protect the essential right of all First Nations men, women and children to have access to safe, reliable and clean drinking water, like all other citizens of this country.

As noted in the Indigenous Bar Association's submission to the Standing Senate Committee on Aboriginal Peoples:

The Crown's legislative agenda with respect to Bill S-8 must also consider First Nations' health and safety at all times.

This non-derogation clause is the product of collaboration and compromise. It embodies the balance which must be struck between Aboriginal and treaty rights and the larger community's

need to set rules to help guarantee that everyone has access to safe, reliable and clean drinking water.

For over six years, this government committed to working with First Nations to remedy the fact that residents of First Nations communities did not enjoy the same protection for health and safety of drinking water as all other Canadians. Six years later, here we are today with what is an essential milestone in rectifying this unacceptable situation.

This enabling legislation will allow the Government of Canada to work with First Nations across the country to develop appropriate and effective regulatory regimes for First Nations communities. As Senator Dyck said herself:

... the whole bill is designed to develop and enact regulations for the provision of safe drinking water on First Nation lands. ... these can be crafted satisfactorily by the department and the First Nations working together.

Honourable senators, it has taken us six years to get here. While theoretical legal debates have their place, now is the time for leadership and for action. Now is the time to support First Nations and to move forward in securing healthier and safer communities by regulating drinking water and providing for safe treatment of waste water. This bill is essential for the health and safety for First Nations men, women and children. I strongly urge honourable senators to vote against the motion to amend clause 3, as proposed by the honourable senator, and give third reading to this important bill.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "nays" have it.

Senator Tardif: On division.

(Motion in amendment negated, on division.)

The Hon. the Speaker pro tempore: The motion is carried, on division.

Honourable senators, we are now on the main motion.

Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Plett, that this bill be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill read third time and passed, on division.)

BUDGET 2012

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan calling the attention of the Senate to the budget entitled, *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*, tabled in the House of Commons on March 29, 2012, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on April 2, 2012.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak in response to the Conservative government's budget entitled *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*. My focus will be on the economic and resource development plank of our government's Northern agenda, which has made a major contribution to the success of the mining industry in Nunavut. As I will demonstrate in my remarks, strategic investment by the federal government, along with key legislative and policy decisions, has created the kind of stable environment that industry requires to make critical investment decisions.

Since my appointment in August 2009, I have spoken on a number of occasions in this chamber about the success of the mining industry in Nunavut. For example, on November 16 I advised honourable senators that Statistics Canada reported that real domestic product increased in every province and territory in 2010, but what was particularly impressive about the Statistics Canada report was that the largest proportional increase of any province or territory in Canada occurred in Nunavut, where real GDP advanced 11 per cent in 2010. Only Newfoundland and Labrador came close to Nunavut with 6.1 per cent growth.

The increase in the territory's GDP was the result of Agnico-Eagle's Meadowbank gold mine, which not only produced gold but also a fundamental change in the economy and quality of life for the people of Baker Lake and the Kivalliq region of Nunavut.

The Prime Minister was particularly impressed with the Meadowbank experience. When we visited the mine in August 2011, he commented that:

We make investments in health, we make investments in housing, but social development issues, as we all know from experiences in our own country and worldwide, are so much easier if we have economic development. That's why this [mine] is important.

My remarks also noted that the NWT and Nunavut Chamber of Mines has estimated that the existing and proposed mines in the territories could generate 75,000 person-years of employment and spend \$30 billion. However, mines do not get built without extensive exploration expenditures.

Natural Resources Canada's latest statistics on Northern mineral exploration for 2011 reveal that expenditures in the regulatory-challenged NWT came in third at \$81.8 million and Yukon came in second at an estimated \$309.2 million. Nunavut expenditures were an impressive \$396 million. While the Nunavut figures do not come close to the record 2008 pre-recession high of \$433 million, the 2011 tally of \$396 million still represents a 54 per cent increase over 2010.

• (1910)

What is particularly impressive is that Nunavut ranks fourth in exploration expenditures throughout Canada, behind mining provinces like Ontario, Quebec and B.C. What attracts international mining companies from around the world, including China, Australia, France, Japan, the United States and England, to make considerable investments in exploration, development and production of Nunavut's mineral potential?

Conventional sources of base and precious metals in accessible regions of the world are being mined out, so industry has to investigate alternatives, which include even remote and previously high-cost regions of the world like Nunavut. Technology required to successfully find, develop and run mines in remote regions has vastly improved, making operation in the North, for example, at minus 40 degree temperatures possible.

Climate change also factors into investment decisions, especially as it relates to Nunavut and the opening of critical marine transportation routes that are required to bring in goods and materials required for construction and operation, and in some cases to remove ore.

However, the role of our government, in particular our Conservative Party of Canada government, cannot be discounted. In particular, we need to acknowledge how critical the Mineral Exploration Tax Credit is to industry in the North and all of Canada. As I stated in my remarks to this chamber on November 22, 2011, Mining Day on the Hill:

The METC is a measure designed to assist junior mining companies in raising new equity through the issuance of flow-through shares. . . . Exploration spending in Nunavut

demonstrates just how successful the METC has been. Nunavut's share of all Canadian exploration spending in 2011 was an amazing 10 per cent.

Honourable senators, Budget 2012 has given a further vote of confidence to the mining industry in Canada and the North by extending the METC for another year. Eventually, the METC program will be phased out because actions taken by the government since 2006, including corporate income tax rate reductions and the elimination of the federal capital tax, have increased the competitiveness of Canada's mining sector. As a result, the METC may no longer be necessary.

I also reminded senators of the important role that Natural Resources Canada's Geo-mapping for Energy and Minerals — GEM — program plays. Geo-mapping is particularly important to all three territories, although the need is particularly acute in Nunavut and the N.W.T. Adequate geological knowledge exists for only about one third of Nunavut.

Honourable senators, under Budget 2012, the GEM program will continue for another two years.

On another front, I have been very impressed with the commitment that industry has been making to training Nunavut and Northern residents for well-paying careers in the mining industry. I have met industry presidents, CEOs and mine managers who see creating a skilled local work force as a legacy, just as important as returns for shareholders.

Currently, territorial and federal governments, industry active in the North, Northern mine training societies, Arctic colleges and Aboriginal organizations are preparing an ambitious plan for a territorial-wide mine training program. We are expecting the plan to be completed and presented to responsible federal ministers in the near future.

Federal funding requests, if approved, will be included in the government's 2013-14 budget. It is important to note that Northern partners in the training initiative are prepared to invest 50 per cent of the cost of implementation, with industry providing 35 per cent, territorial governments investing 10 per cent and Aboriginal organizations providing 5 per cent in financial and equivalent contributions.

I should also note that in February 2012 in Iqaluit, the Prime Minister announced support for the Northern Adult Basic Education Program, a \$27 million five-year initiative that will help Northerners in all three territories take advantage of the tremendous job opportunities in their communities.

With respect to Budget 2012, I understand that the Conservative government will be introducing measures to streamline processes and increase funding to better integrate under-represented groups, including Aboriginal peoples, into the labour force.

Honourable senators, to paraphrase British Columbia billionaire Jimmy Pattison: Money is the biggest coward in the world — it runs at the slightest hint of instability or uncertainty, seeking safer, more secure surroundings to invest and make profits.

In Nunavut, we are fortunate to have a regulatory regime that is fair, thorough and respectful of the environment, the economy, the Inuit land claim and industry interests, thereby providing the certainty required for investors to make informed decisions on mining exploration and development projects.

We must be doing something right in Nunavut, because for the most part we continue to attract investment from major international corporations. I look forward during the upcoming session of Parliament to further improvements to the Nunavut regulatory regimes through amendments to the Nunavut Planning and Project Assessment Act, or NUPPAA. This bill is the result of collaboration by industry, government and Inuit organizations on how to improve the project assessment process in the interests of all participants.

I am also in support of measures in Budget 2012 to provide additional resources to the CRA to monitor ENGO activities. I have spoken about my concerns on those matters on Senator Eaton's inquiry. It is about unpermitted political activities.

I am also in support of measures in Budget 2012 to provide additional resources to protect species at risk. Something had to be done because the federal Species at Risk Act, SARA, has been called "a poster child for bad policy if there ever was one."

I have spoken with the Member of Parliament for Dauphin—Swan River—Marquette, with whom I share a number of concerns about SARA, the worst being that the program has consumed \$311 million since its inception in December 2002 and has not brought a single species back from the brink of extinction.

Honourable senators, the government is making bold visionary moves in Budget 2012 in changes to the environmental process and related legislation. In the North, we are only too familiar with how these processes, legislation and regulation have stifled development, the most recent example being the seven-year Joint Review Panel assessment of the proposed Mackenzie Gas Project. I believe that our processes in Nunavut established under the Nunavut Land Claims Agreement and largely not affected by Bill C-38 amendments will continue to serve us well.

One exception for Nunavut will be changes to the laws protecting fish and fish habitat. From my consultation with the mining industry, a common concern has been that the existing rules treat all bodies of water in the same way, regardless of size, environment or contribution to the fishery. The new changes, I believe, will protect the productivity of Canada's Northern fisheries and provide much-needed clarity to Canadians.

Minister Ashfield has noted:

For industry, the proposal provides greater clarity on the types of activities that will be reviewed by Fisheries and Oceans Canada. These changes complement those announced as part of the Responsible Resource Development announcement, which included regulations clarifying information requirements and timelines for permitting.

I am also pleased to read that new measures will include new tools such as enabling delegation and equivalency to enable federal, provincial and territorial governments to work more effectively together and ensure consistent regulatory approaches. As DOE moves forward, it will work closely with provincial and territorial partners to ensure the effective implementation of these new measures.

My only other comment is that the current debate over the environmental provisions in Bill C-38 reminds me of the hysteria that opposition parties and NGOs of the day generated over the free trade agreement with the United States in the mid-1980s. Remember the dire warnings from the Liberals and New Democrats on how the FTA would not only destroy our economy and environmental standards but the very fabric of our country. Does this not all sound familiar?

I say to our Prime Minister, our lead ministers and our government, ignore the unfounded hysteria, accusations of the opposition and the naysayers. Stay the course. Continue to lead our country into greater prosperity and economic growth, while working with the provinces and territories to ensure continued stewardship of Canada's environment.

• (1920)

In closing, I am proud of the constructive and positive contribution which Budget 2012 will make to the further development of the mining industry in Nunavut. We still face major challenges in terms of reducing the high cost of operation, training a skilled Nunavut labour force, improving transportation and energy infrastructure, being ever vigilant in making improvements to our regulatory regimes in the territories and ensuring Nunavut residents benefit from resource development.

During a recent visit to Iqaluit, I was reminded by the capital's mayor, Her Worship Madeleine Redfern, of a recent resolution of the Federation of Canadian Municipalities about the high cost of living in Nunavut, despite the opportunities arising from mining development. The motion requests that the federal government re-evaluate the way the northern residents tax deduction, the NRTD, is calculated in all northern communities to account for their level of isolation and their access to necessary services to ensure there is consistency and fairness across Canada; increase the residency component of the NRTD to reflect its loss of value due to inflation; and develop adjustments to the NRTD that recognize the unique circumstance that exist throughout the territories. I think this is a reasonable request.

Given our track record to date, government, industry and the Inuit have demonstrated that through cooperation and collaboration these challenges are manageable. Through Budget 2012 and numerous other initiatives, our Conservative government has demonstrated once again that it is committed to being a constructive partner in building the future of Nunavut.

Some Hon. Senators: Hear, hear!

(On motion of Senator Poirier, debate adjourned.)

NATIONAL FLAG OF CANADA BILL

THIRD READING

Hon. Pamela Wallin moved third reading of Bill C-288, An Act respecting the National Flag of Canada.

She said: Honourable senators, I have spoken to this issue. As a reminder, this is the bill that is designed to encourage all Canadians to proudly display the national flag of Canada in accordance with flag protocol. Many people asked why we would need such legislation because we all assume that we can fly our flag, but it seems that our laws have not kept up with the times. A great many and an ever-increasing number of Canadians actually live in apartment buildings, condominiums, divided co-ownership, multiple residence buildings or gated communities and have been forbidden from flying their flag. I think this law of unintended consequences needs to be addressed. That is exactly what this bill does.

Bill C-288 is designed to be aspirational. There is no enforcement intended. We want to establish the right of Canadians to fly their flag, and I think it would be good to encourage this in any way we can.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

PURPLE DAY BILL

THIRD READING

Hon. Terry M. Mercer moved third reading of Bill C-278, An Act respecting a day to increase public awareness about epilepsy.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved the third reading of Bill C-310, An Act to amend the Criminal Code of Canada (trafficking in persons).

He said: Honourable senators, I rise today to speak at third reading of Bill C-310, An Act to amend the Criminal Code of Canada (trafficking in persons).

This bill was sent to the Standing Senate Committee on Legal and Constitutional Affairs on May 15, 2012. In three meetings, the committee heard 11 witnesses, and in particular, representatives of non-governmental organizations that work with victims in Canada and abroad.

The senators heard from experts from the RCMP, Justice Canada and the legal field. We also heard testimony from Joy Smith, Member of Parliament for Kildonan—St. Paul, who sponsored this bill in the other house. Ontario Crown prosecutor Toni Skarica also gave a stirring argument in favour of the bill, shining a light on the most obscure aspects of the crime of trafficking in persons and on the organized crime that is often behind it.

After a brief summary of the changes Bill C-310 would make in the Criminal Code, I will give some highlights from the testimony at the committee meetings.

[English]

Bill C-310 contains two important changes to the Criminal Code. First, Bill C-310 proposes that human trafficking would be added to a list of extraterritorial offences currently included in the Criminal Code, which would allow the Canadian courts to prosecute Canadians who commit those offences outside of Canada. Second, the bill would also enhance the definition of "exploitation" in the trafficking of persons offence by providing clarity for the type of evidence assistance that the court needs to consider when determining what constitutes exploitation.

[Translation]

A number of witnesses heard in committee spoke to the relevance of making trafficking in persons an extraterritorial offence. Julia Beazley, from the Evangelical Fellowship of Canada, pointed out that Canada is a major source country in human trafficking. Ms. Beazley explained that many Canadians travel abroad for sex tourism. Thus they support that lucrative but unhealthy industry, which destroys human lives. These Canadians travel to countries like Cambodia to engage in sex acts with children.

According to one witness, Toni Skarica, who is also a Crown attorney, the extraterritorial part of the bill is very important. We are talking here about cases of human trafficking in countries like Hungary, but not just Hungary and Eastern bloc countries, Africa and Asia as well.

Mr. Skarica drew our attention to the case of Hungarians who were brought to Canada on promises of a good life only to become slaves. Thanks to the hard work of our witness, 17 Hungarian criminals were found guilty of human trafficking in London, Ontario. In that case, there were at least 19 victims.

According to the experienced prosecutor:

[English]

The victims were working 16 hours a day basically, with one meal a day — scraps in some cases — and doing construction work.

[Translation]

On the issue of the current definition of exploitation in the Criminal Code, Matthew Terry, from Justice Canada, indicated that the bill will clarify the definition of exploitation, which will be a useful tool for the police and Crown attorneys.

• (1930)

During the committee's study, Julia Beazley pointed out that the current definition of exploitation in the Criminal Code is not sufficient. She believes that the legal definition has led to difficulty obtaining convictions.

When a senator asked Sergeant Marie-Claude Arsenault of the Human Trafficking National Coordination Centre whether the new definition of exploitation would help law enforcement officials lay more charges, she replied:

... I would say yes. At the Human Trafficking National Coordination Centre, we know that police officers have a hard time understanding the legal definition. If we clarify the law, they will be able to lay more human trafficking charges.

Several witnesses noted that the legislative measures in Bill C-310 are timely. As you now know, on June 6, 2012, the federal government announced the National Action Plan to Combat Human Trafficking. This plan is a major step forward for victims. The measures in the national action plan including training for front-line workers, including border services agents and immigration officers. The primary purpose of this training will be to improve their ability to detect victims of human trafficking entering the country.

The action plan will also create Canada's first integrated law enforcement team dedicated to combatting human trafficking. According to Yves Leguerrier, director of Public Safety Canada's Serious and Organized Crime Division:

In that sense, Bill C-310 will facilitate prosecution because it will hold Canadians responsible for crimes they commit abroad.

Finally, the action plan has a \$25 million budget over four years to fight human trafficking and help victims. In fact, the Action Plan to Combat Human Trafficking will protect and help victims by increasing financial support for services provided to them and by identifying and protecting Canadian nationals and foreigners in Canada who are vulnerable to human trafficking activities, which most of the time involve young women between the ages of 15 and 21.

Honourable senators, Canada was one of the first nations to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. With the Action Plan to Combat Human Trafficking and Bill C-310, Canada is putting in place effective and coherent tools that will allow all stakeholders to work together to save victims.

It is now urgent that we take action because, according to Yves Leguerrier:

The International Labour Organization, for example, estimates that there are a minimum of 2.45 million victims of human trafficking in the world at any given time.

I would like to point out that human trafficking is also a reality for young Canadian women who are sold in Canada on the prostitution black market. Quebec media recently broadcast some very sad stories about young girls involved in this type of criminal activity.

Honourable senators, all the evidence heard clearly indicates that Joy Smith's Bill C-310 will provide additional tools to save victims of human trafficking in Canada.

On behalf of victims past, present and, unfortunately, future — this scourge will never be eliminated — I would like to thank the member for Kildonan—St. Paul for her invaluable and outstanding contribution to the cause of victims of crime in Canada and throughout the world.

I call on all senators to join me in voting for this measure to support victims and in saying no to all those who abuse human beings by trafficking in persons, both abroad and in Canada.

(On motion of Senator Jaffer, debate adjourned.)

[English]

IMPORTATION OF INTOXICATING LIQUORS ACT

BILL TO AMEND—THIRD READING

Hon. Bob Runciman moved third reading of Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use).

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING

Hon. Michael Duffy moved second reading of Bill C-313, An Act to amend the Food and Drugs Act (non-corrective contact lenses).

He said: Honourable senators, I am pleased to speak on Bill C-313, which proposes to regulate non-corrective contact lenses as medical devices under the Food and Drugs Act and the Medical Devices Regulations.

To begin, I would like to acknowledge the efforts of the member of the House of Commons for Sarnia—Lambton for bringing this bill forward and for her persistence in seeking to address this

important issue. That member has been an advocate on this issue since 2008. Today, with the bill before us, the member has continued to demonstrate her commitment to the health and safety of Canadians, and I am pleased to see her commitment and perseverance have moved us to this point where we are addressing this important issue.

Bill C-313 was passed by the House of Commons with the unanimous support of all parties. It is admirable to see that all parties are working together for the health and safety of Canadians.

By way of explanation, allow me to say that non-corrective contact lenses are also known as cosmetic, theatrical or decorative contact lenses. The reason why these lenses are known as cosmetic speaks to the fact that consumers use them purely for aesthetic reasons. They will not improve your vision at all, and in fact in some cases may cause you harm. Their sole purpose is to change the appearance and colour of one's eyes. Non-corrective contact lenses come in all colours of the rainbow and a whole range of designs. You can simply alter the colour of your eyes. You can have cat eyes for Halloween and some of us — perhaps Senator Mercer and I — would put in shamrocks for St. Patrick's Day.

As well, non-corrective contact lenses are readily accessible. Consumers can buy them from retail outlets such as party supply stores or costume rental agencies or order them over the Internet. There have even been online contests offering non-corrective contact lenses as prizes.

As honourable senators know, we live in a time when product information can be rapidly communicated through the Internet and social media to meet its target population. The main target is youth: children, teens and young adults. Researchers report that non-corrective contact lenses are continuing to gain popularity among this group of consumers.

One may ask: What difference will Bill C-313 make? These are, after all, only contact lenses and lots of people wear contact lenses every day.

What I am most concerned about is that young people are the ones most likely to use these lenses to alter their appearance with little thought of the potential risk of sticking something foreign on to the surface of their eyes. Health professionals have done extensive studies on the health risks associated with inserting a contact lens on one's cornea. There are many potential health risks associated with using non-corrective contact lenses.

Some of these risks may seem to be relatively mild, such as excess tearing, itching or dryness. However, these lenses can also cause more serious conditions, such as burning, sensitivity to light, blurred or distorted vision, a scratched cornea, conjunctivitis and serious irritation or infection. In extreme cases, these problems can lead to blindness.

• (1940)

The problem we have before us, honourable senators, is simply that we have two very similar products that pose similar risks but that are currently regulated under different regulatory frameworks in Canada.

This is where Bill C-313 comes in. This bill proposes to address the very real health risks by taking the simple and practical step of regulating non-corrective contact lenses as medical devices, the same way as normal contact lenses, as we think of them.

At the present time, non-corrective contact lenses do not meet the definition of a medical device, that is, something that provides a therapeutic function. Non-corrective lenses do not do this. They are used purely for cosmetic reasons. They do not improve your vision.

Because they are not medical devices, non-corrective contact lenses are not subject to the Medical Devices Regulations, as corrective contact lenses are.

Companies under this legislation will be required to ensure that their non-corrective contact lenses meet safety and quality requirements before they can sell these products on the Canadian market. Health Canada can also request additional information about safety and quality, either before or after a decision to authorize their sale in this country.

In addition, honourable senators, as a medical device, non-corrective contact lenses will be subject to the same labelling requirements and consumer instruction standards as corrective contact lenses, before they come to market. Labels will be required to warn consumers about the potential risks and safety issues associated with using non-corrective contact lenses.

Numerous studies report that health risks are linked to the improper use and care of contact lenses, and these risks are preventable. With proper labelling, there will have to be information provided to the consumer describing the proper use and care of these cosmetic non-corrective contact lenses. This will be key in minimizing the potential health risks associated with the use of these lenses.

Further, regulating non-corrective contact lenses as medical devices will require the industry to comply with both pre-market and post-market provisions of the Food and Drugs Act and the Medical Devices Regulations. In other words, the Medical Devices Regulations provide for licensing and inspections of manufacturers, importers and distributors, as well as mandatory reporting by companies of serious incidents. Regulating non-corrective contact lenses as medical devices will enable a full cycle of regulatory oversight to all contact lenses.

Back in 2000, Health Canada issued a warning to the public about potential risks associated with using non-corrective contact lenses and recommended that these products only be used under the care of an eye care professional. I recognize that Bill C-313 does not address whether a prescription will be mandatory for purchasing non-corrective contact lenses, nor does it speak to whether consumers will be required to see an eye care professional for this purpose. These issues fall outside of the regulatory authorities of the Medical Devices Regulations.

In Canada, the authority to determine whether a medical device is subject to dispensing by prescription rests with the governments of the provinces and territories; therefore, the regulatory strategies for dispensing these cosmetic devices will be decided by each province and territory.

I am pleased to report that the Canadian Association of Optometrists, the Opticians Association of Canada, and the Canadian Ophthalmological Society have expressed their commitment to work with the provinces and territories on prescription issues related to non-corrective contact lenses when this bill comes into force.

I should point out that industry players are already well positioned to meet the requirements of this bill. Many of these companies are selling both corrective and non-corrective contact lenses in the United States. In that country, all contact lenses have been regulated as medical devices since 2005.

In P.E.I., we all have perfect vision because of our vegetable products.

Supporting Bill C-313 is consistent with the government's commitment to the safety of Canadians. It is also consistent with the government's objective to align with international regulatory counterparts and to promote regulatory cooperation between Canada and the United States. On the international stage, there are other countries that regulate non-corrective contact lenses as medical devices — the United States and a number of other of our trading partners.

To conclude, honourable senators, Bill C-313 will address an important health risk associated with the use of non-corrective contact lenses. It will bring those health risks under the same regulatory framework as corrective contact lenses. In other words, similar products with similar risks will both be regulated under the same regulatory framework.

Again, I would like to commend the member of the House of Commons for Sarnia—Lambton for keeping up the momentum and moving this important issue forward. Today, with this issue before the Senate, I would like to voice my support for this bill and call on senators to join with all of us in working together to keep Canadians safe.

The Hon. the Speaker *pro tempore*: Is there further debate, honourable senators?

Hon. Percy E. Downe: Honourable senators, I support this legislation. I have been doing some research. I am finalizing my notes, and I look forward to speaking on this matter. I will take the adjournment in my name.

(On motion of Senator Downe, debate adjourned.)

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

**FIRST REPORT OF COMMITTEE—
REPORT OF COMMITTEE OF THE WHOLE—
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Eaton, for the adoption of the first report of the Committee of the

Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012;

And on the motion in amendment of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall, that the report be not now adopted but that it be amended:

(a) by adding the following new recommendation number 4:

“4. Replace the French text of rule 4-11(3), at page 42 of the First Appendix of the report (page 458 of the *Journals of the Senate*), with the following:

“Rappels au Règlement et questions de privilège non permis au cours des affaires courantes et la période des questions

4-11. (3) Les rappels au Règlement et les questions de privilège sont irrecevables au cours des affaires courantes et de la période des questions”; and

(b) by renumbering current recommendations 4 to 16 in the report as recommendations 5 to 17.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with respect to the report of the Rules Committee, I know Senator Cools wants to finish preparing her notes in order to be able to respond to the amendments and the report as a whole. I therefore ask that the debate be adjourned in her name until the next sitting of the Senate.

(On motion of Senator Carignan, for Senator Cools, debate adjourned.)

[English]

CRIMINAL CODE

BILL TO AMEND—FOURTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-209, An Act to amend the Criminal Code (prize fights), with an amendment), presented in the Senate on June 14, 2012.

Hon. Bob Runciman: There was an amendment to the bill at committee and I felt I should elaborate briefly for the benefit of honourable senators.

As senators may recall, Bill S-209, an Act to amend the Criminal Code dealing with prize fights, will modernize the prizefighting section of the Criminal Code to reflect the changing nature of combative sports in the 78 years since section 83 of the Criminal Code was last changed.

The bill adds exemptions beyond the current one for boxing to ensure that other combative sports, such as mixed martial arts, are permitted, provided they are held subject to the permission and the regulation of the appropriate provincial body. One of the exemptions included in the bill is for sports that are on the program of the International Olympic Committee. These are Olympic sports that are technically illegal today under the current Criminal Code.

One of our witnesses, the Honourable Bal Gosal, Minister of State for Sport, suggested that this exemption should be broadened to also include sports on the program of the International Paralympic Committee. Judo is now a Paralympic sport, and other combative sports could be added in the future.

The committee took Minister Gosal's advice on this matter, and we thank him for the suggestion. That is the only amendment approved at the committee, honourable senators.

The Hon. the Speaker pro tempore: Honourable Senator Runciman, Item No. 2, the fourteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, was standing in the name of Senator Fraser. Originally, I thought that either you or she intended to move the adoption of this report. I notice that you have given an explanation of it, but was it your pleasure or Honourable Senator Fraser's pleasure to put the matter before the chamber?

• (1950)

Hon. Joan Fraser: I should explain, Your Honour, that I did present the report on this bill last week because Senator Runciman, as happens from time to time in this place, had been asked to be in two places at once. He fulfilled his duty in the other assignment he had been given so I presented the report. Therefore, I move third reading of this bill.

The Hon. the Speaker pro tempore: You move adoption of the report?

Senator Fraser: I am sorry. It is late, Your Honour, is it not? I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY TAX
CONSEQUENCES OF VARIOUS PUBLIC AND PRIVATE
ADVOCACY ACTIVITIES UNDERTAKEN BY
CHARITABLE AND NON-CHARITABLE
ENTITIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Tardif:

That the Standing Senate Committee on National Finance be authorized to examine and report on the tax consequences of various public and private advocacy activities undertaken by charitable and non-charitable entities in Canada and abroad;

That, in conducting such a study, the Committee take particular note of:

- (a) Charitable entities that receive funding from foreign sources;
- (b) Corporate entities that claim business deductions against Canadian taxes owing for their advocacy activities, both in Canada and abroad; and
- (c) Educational entities that utilize their charitable status to advocate on behalf of the interests of private entities; and

That the Committee submit its final report to the Senate no later than June 30, 2013, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

Hon. Daniel Lang: Honourable senators, I rise today to speak to the motion raised by the Leader of the Opposition. I have taken the time to review the remarks that he made and would like to respond now.

This broad motion takes a number of distinct issues and, in my judgment, somewhat muddies the waters.

With respect to businesses and lobbyists, we all know that there are a number of legislative measures that exist for both lobbying and foreign investment. For example, lobbyists must follow the Lobbying Act that sets out basic principles for lobbying, while business tax law requires a long list of detailed expenses that are tax deductible. At this time all indications are that these public disclosure and transparency laws are being adhered to.

Honourable senators, this motion also raised the question of contributions to Canadian educational institutions. I would say that any rules developed to disclose foreign donations should apply to all organizations with charitable status. I further point out that any changes that apply to charities also apply, as the honourable senator knows, to educational institutions.

I am pleased that Senator Cowan is concerned with the issue of foreign funding to charities. I believe there are a number of implications that have been raised previously in the Senate inquiry into the influence of foreign foundations on our domestic affairs. However, I would caution members from debating the rules for the business community and the rules for the charity groups at the same time, as they are very different. It is like comparing apples to oranges and, in my judgment, confuses the issue at hand.

I want to make a few points clear at the outset. First, in speaking to this motion, I want to clarify for the record once again that the position taken by all the speakers during the inquiry on the question of political activity by charitable organizations was not to change the existing 10 per cent allotment for non-partisan political activity. Rather, it was to ensure that this principle was adhered to and also to point out how the existing rules were being manipulated by some to meet the letter of the law but did not meet the spirit of the legislation. Second, I want to reaffirm that transparency and public disclosure is the reason for the present debate. Finally, I want to make it clear that it is important to have healthy environmental organizations that bring forward their concerns through the public processes that are designed to listen and respond to them.

Like others in this house, I also feel it is necessary that the rules be clarified to protect our system of tax subsidies from manipulation. I feel strongly that those Canadian organizations that are being funded by foreign charitable organizations should have to reveal the purpose of the financing and disclose the source of the funding.

This whole area of charitable environmental financing has been an eye opener for me. I find it hard to understand the interest in Canada when there are so many more serious environmental problems to bring to your attention, such as the coal generating plants in the United States and in China or the environmental plague in the offshore energy fields in Venezuela and Nigeria. One has to ask: Why Canada?

I take exception to the fact that one is branded an "anti-environmentalist" when questions regarding the motives of certain groups are raised. I share the commitment of everyone in this chamber to meet our environmental responsibilities and I am very fortunate to live and represent a region of our country that boasts some of the most beautiful landscapes in the world.

In his speech to the inquiry, Senator Segal spoke of the importance of the freedom of speech and the right for charitable organizations to continue to be able to contribute to the public debate that affects their area of concern. I, like other senators, completely agree.

Unfortunately, during the past year it has become evident that some political environmental organizations have used their charitable tax status to fund political organizations and not have it count against their 10 per cent allotment. Clearly put, the existing rules allowed for a shell game of financial transfers for the few umbrella organizations who realized that they could fund activist organizations that did not qualify for charitable status. Additionally, these transfers did not count towards the umbrella

organizations' political activity. They could do this because the transfer is described as "a project-specific grant" and not as political advocacy.

Honourable senators, this was quietly happening as we all sat back and assumed that anyone involved in charitable work would not have an objective to disrupt, delay or deny Canada from developing its resources.

Let us review the history to date of the Northern Gateway Project, the proposed pipeline to the West Coast which would provide an energy corridor to ship our oil to an offshore market that would pay market price as opposed to the present situation, where we are selling a barrel of oil by discount of up to 25 per cent.

How many of us in this chamber, and, for that matter, how many Canadians in general knew what was decided in 2009 by Canadian environmental representatives gathered in the U.S. who developed a plan with their U.S. counterparts to do just that — disrupt, delay or deny Canada from developing its resources?

I refer honourable senators to Robb Rice, Executive President of Davies Public Affairs, who wrote:

In June 2009, there was a monumental meeting in Virginia where powerful and extremely well-funded U.S. environmental groups met with their Canadian counterparts to discuss and plan how to defeat (or significantly delay) energy and mining projects they didn't like. Reports indicated that U.S. environmental groups were willing to fund Canadian environmental groups on the condition that they would be able to dictate what projects to fight, and what projects would get funding. This quietly arranged and historic meeting led to the exportation of the U.S. Environmental Movement's grassroots and communication tactics to Canada.

Even today, I wonder how many Canadians are aware that this meeting took place and of the decisions that were made. Why were these decisions not publicized? Was it perhaps because they knew that most Canadians would take offence to Canadian environmental organizations being directed and financed by their American associates? Does this not beg the question about transparency and public disclosure, which is supposed to be one of the charitable sector's guiding principles?

Honourable senators, let us fast forward from 2009 and take an objective view of the events that have unfolded since that fateful meeting. Over the past three years Canadians have witnessed a well-financed, well-planned and well-executed public campaign that has been staged before our eyes to discredit any possibility of an energy corridor to the West Coast. Has this strategy been successful at disrupting, delaying and/or denying?

• (2000)

We have witnessed over 4,500 intervenors registered to appear in the public hearing process, which could add an additional year prior to a decision being rendered for that particular pipeline. This also includes intervenors as far away as Brazil. Would one call this organized delay?

We have witnessed a national debate prior to all facts from the environmental review process being put in front of Canadians to make an informed decision. Would one describe this as another method of denial or delay?

We have witnessed multimillions of dollars being allocated by an American charitable foundation to plan a Canadian marine park from the tip of Vancouver Island to the Alaskan Panhandle. Their publicly stated objective is opposition to oil tankers on the coast. Would one call this an indirect strategy to deny development?

We have witnessed some of the environmental websites being altered within hours of the federal budget being presented in Parliament. Would one describe this as a method to deny Canadians their right to know all of the facts?

Yes, the decisions that were made at the monumental meeting in June of 2009, in Washington, Virginia, have been effective at opposing responsible, Canadian resource development. The few Canadian political, environmental activist organizations that were at that meeting have been able to wrap themselves in the Canadian flag and all the while be at the bidding of their U.S. counterparts, who obviously have a political agenda that may well not be in our country's long-term interest.

Honourable senators, I ask you to think about it. Is it to the long-term benefit of some U.S. interests to be able to indirectly influence control over the development of our energy resources by demonizing them and meanwhile to stay under the environmental radar themselves as they develop their own country's energy resources with less resistance as most of the environmental attention is diverted into Canada's energy development?

I refer to the Northern Gateway Pipeline experience thus far as an illustration of how an environmental process that is designed to bring forward all the facts, pros and cons, can be ignored as the body politic takes centre stage.

Early in the session, Honourable Senator Patterson spoke of the intrusion of environmental groups and the out-of-country financing that are coming in and interfering with the day-to-day lifestyle of the people of Nunavut. In Yukon, we are witnessing the same intrusion as we see an organization, in part financed through foreign funding, working day-by-day to influence public policy. Once again, neither the amount nor the purpose of this funding has been fully publicly declared or understood by the general populace. It is important that we realize that foreign interest in Canada is not just confined to one particular project or region in our country. Once again, I emphasize that there should be clarity and full public disclosure when sources of foreign funding are committed to influencing and directing public policy.

The theories are endless, but, at the end of the day, Canadians have the right to ask these questions and to demand answers from those who are on the payroll of another country. The motion before us does not refer to the very real problem that large contributions are being made very quietly, without the necessary transparency and disclosure. I want to make it clear that I am not advocating, at this time, that these out-of-country resources

should necessarily be stopped, but I do believe that it is prudent that the public have access to the information of who these funding agencies and donors are, along with the intended purpose of the donation.

Budget 2012, currently in the other place, makes a number of positive amendments to the rules that surround transparency and disclosure of charities. I am happy to say that the amendments contained in the budget continue to preserve the rights and privileges for public advocacy that have always been in existence. The amendments clarify the rules and ensure that the shell game that was permitted under the previous rules will no longer be permitted. I strongly believe that the changes proposed in Budget 2012, specifically the way that political activity spending is calculated, will help to mitigate the issues that have been witnessed throughout the debate.

Earlier, I referred to the inquiry that was initiated by Senator Eaton this past spring. Looking back, I think that it is safe to say the inquiry was successful in that it caused a national debate to ensue and resulted in positive change in the budget to address the issue. The Canada Revenue Agency will be revising the Registered Charity Information Return form to collect more information from political activities.

I would like to address the concern raised by Senator Mitchell about a chill being felt by charity groups. I have said time and time again that it was never the intent of either the inquiry or the legislative changes in Budget 2012 to cause any fear among charities that follow the rules. I am confident that once these changes are implemented, charities will be able to quickly adjust to them.

With that in mind, I find it surprising that the motion would call for charitable groups and educational institutions to testify before the committee at this time. It would seem to me that this premature action would cause quite a chill amongst charitable organizations.

Therefore, honourable senators, it is my recommendation that perhaps we should wait until the changes that will be made by the Canada Revenue Agency are made public, and then we can decide if we have to pursue the issue any further.

(On motion of Senator Plett, debate adjourned.)

THE SENATE

MOTION TO URGE THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO GRANT CLEMENCY TO HAMID GHASSEMI-SHALL AND TO ADHERE TO ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Tardif:

That the Senate urge the Government of the Islamic Republic of Iran to grant clemency to Hamid Ghassemi-Shall on compassionate and humanitarian grounds, call for

his release and return to his family and spouse in Canada, and urge Iran to reverse its current course and to adhere to its international human rights obligations.

Hon. Linda Frum: Honourable senators, I rise before you today to draw attention to the case of Mr. Hamid Ghassemi-Shall, a Canadian citizen currently detained in Iran and sentenced to death. The importance of today's efforts on the motion that is before us is reinforced by troubling reports that Mr. Ghassemi-Shall's execution could be carried out at any time.

The motion urgently appeals to the Government of the Islamic Republic of Iran to grant clemency to Mr. Ghassemi-Shall on compassionate and humanitarian grounds, calls for his release and return to his family and spouse in Canada, and urges Iran to reverse its current course and to adhere to its international human rights obligations.

Mr. Ghassemi-Shall has been detained in Iran since May 2008, after travelling there to visit his family. In August 2009, Mr. Ghassemi-Shall was convicted of espionage and sentenced to death by an Iranian court.

The Government of Canada has been engaged in this case since its beginning, and Canada has made numerous high-level representations through a variety of channels. Iranian authorities have denied consular access and have refused to provide any official information on Mr. Ghassemi-Shall's status as they do not recognize his dual citizenship.

As honourable senators can imagine, Mr. Ghassemi-Shall's family here in Canada, including his wife Antonella, are suffering considerably. They are tortured by the knowledge that Mr. Ghassemi-Shall's execution could take place at any second. Adding to their distress is the fact that Mr. Ghassemi-Shall's brother was detained on related charges and died in an Iranian prison.

Canadians attach great importance to the sanctity of life, the centrality of family and the fundamental exercise of compassion, essential values that are certainly shared by the people of Iran. In the spirit of compassion and humanity, I invite senators to join me in appealing to the Government of the Islamic Republic of Iran to spare Mr. Ghassemi-Shall's life and allow him to return to his family.

The Hon. the Speaker *pro tempore*: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

• (2010)

THE SENATE

MOTION TO URGE GOVERNMENT TO MAKE SPORTING FACILITIES AVAILABLE ONE DAY ANNUALLY AT A REDUCED OR COMPLIMENTARY RATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Wallin:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes, forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunity to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities;
- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;
- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and
- (f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

Hon. Donald Neil Plett: Honourable senators, it is my distinct pleasure to say a few words in favour of Senator Raine's motion to establish a national health and fitness day, where she seeks to have sporting facilities across this great nation of ours offer their services at a reduced or complimentary rate.

I assure all senators that this speech will be much shorter than the one I delivered Monday of last week.

Some Hon. Senators: Hear, hear.

Senator Plett: This day will help to promote health and wellness through the promotion of active living through its objective of getting more Canadians to participate in fitness and sporting facilities. I want to commend Senator Raine for bringing the issue of lack of physical activity to the forefront. It is a conversation that we as Canadians need to have.

Honourable senators, I am supportive of this motion and establishing a national health and fitness day, but we cannot stop here. I feel that, as a society, we must go further and change our lifestyles. Unfortunately, through the years, our society has become more and more sedentary, where we are more apt to sit in front of the glow of a big or small screen than to go outside for a walk, a run or a bike ride. Physical activity must not be something we do once a year. It must be something that we work into our lifestyles and make an everyday occurrence. Senator Munson rightly put it that "a commitment to fitness has to become a lifelong, 365-day-a-year effort."

I am sure that many honourable senators have noticed that I have become friendlier and more loving as of late. In fact, even Senator Mercer and I occasionally get along now. Since August 2011, I have lost a total of 35 pounds.

Hon. Senators: Hear, hear!

Senator Plett: This has not been through a fad crash diet. It has been through an entire lifestyle change. I still eat three meals a day and occasionally snack. I am now physically active and I believe that even my demeanour has improved. It is a lifestyle change that I need to continue with.

Even my office staff have joined in on my physical fitness program. We now work out in the Victoria Building gym one day a week, for between an hour and an hour and a half. I would encourage other offices to join us.

Honourable senators, a joint report from the Public Health Agency of Canada and the Canadian Institute for Health Information was recently put out, entitled *Obesity in Canada*. This report found that about half of Canada's population is overweight, 1 in 4 Canadian adults is considered obese, and almost 9 per cent of children ages 6 to 17 are obese.

The report also found that obesity increases the risk of a number of chronic conditions such as type II diabetes, hypertension, cardiovascular disease and some forms of cancer, and that people who are severely obese have a greater risk of premature death than those in the normal and overweight ranges. The report found that the economic costs of obesity for Canada are staggering, estimated at \$4.6 billion in 2008, up from \$3.9 billion in 2000.

The report names several factors contributing to obesity, including lack of physical activity, sedentary behaviours, screen time and diet. It found that there is considerable evidence of a relationship between the prevalence of obesity and leisure time physical activity and that Canadians are getting much less than the daily recommended amount of physical activity.

Canada's Physical Activity Guide suggests that adults aged 18 to 64 get at least 150 minutes of physical activity per week. This is only about two and a half hours per week. The guide's motto is: "Pick a time. Pick a place. Make a plan and move more!" This does not mean one needs fancy sporting equipment or an expensive gym membership. All one needs to do is to get moving. One can walk, run, take the stairs or swim, just to name a few activities. The idea is to work this activity into one's lifestyle. Adding just a small amount of physical activity daily will improve one's fitness, strength and mental health, and reduce the risk of disease and certain types of cancer.

In fact, I challenge all honourable senators who have their offices outside of Centre Block, instead of taking the Hill buses, to walk between their office and Centre Block to add physical activity to their daily schedule. Senator Stratton encouraged me to walk back and forth between the chamber and my office. Well, actually, he browbeat and shamed me into it. Nevertheless, it worked and I now will be leading by example. Doing this just two to three times a day is an easy way to get active.

I also encourage honourable senators to get up from their computer and television screens in their spare time, as well. I was 18 years old when I bought my first television set and it was the first television set that anyone in my family owned. People can get along fine without television.

As a 14-year-old, when I wanted to play hockey with my friends, we used to walk to the local outdoor rink, shovel the ice free of snow, flood the ice with hoses and then build a fire in the ice shack. By the time we put on our skates, the 18- and 19-year-olds usually kicked us off the ice, but we happily went through all of that just for the opportunity to play hockey. Whenever I start telling my boys this story, they immediately interrupt me by saying, "Yes, Dad, we know; it was uphill and against the wind both directions."

Our society and youth need to return to spending time outdoors being active, rather than indoors vegetating. Is it not strange that parents nowadays drive their children to school or the community centre, many times only a kilometre or less, only to get them there to play soccer, basketball or other sport? Why not start by having them walk or bike to school?

Honourable senators, let me leave you with a short story. Bike riding can be done with a stationary bike in the safety of your family room, or there is another type that can get you into a bit more trouble. A few weeks ago, after the Senate rose on a beautiful warm sunny day, I decided to take my bike for a ride in and around Gatineau. There are literally hundreds of kilometres of great paved trails in and around Gatineau and Ottawa. I have done this many times before, but this time was different. I decided to go for a typical 14-kilometre ride. This would normally take me about an hour. After riding for 30 minutes I came upon a sign that indicated that it was 7.5 kilometres to Gatineau Park. Knowing that the Gatineau Park entrance is about 2 kilometres from my condo, I thought I would just simply continue on the path. I should note that the Gatineau side has a lot more hills than the Ottawa side.

At one point I was literally standing on my pedals going up a nearly vertical hill. A jogger actually stopped and gave me a standing ovation for making it to the top of the hill. After

approximately another 35 minutes of this, to my joy, I arrived at the Gatineau Park, only to realize I had arrived at the back end of the Gatineau Park and I was now 15 kilometres away from my condo. I ended up biking for more than 30 kilometres, most of it uphill and against the wind.

Honourable senators, I therefore indeed support Senator Raine's motion. Perhaps we could go a step further and encourage stores that sell physical fitness or sporting equipment to dedicate this same day to giving customers a 10 per cent discount on sporting equipment.

Honourable senators, I thank you for listening to me and I encourage you all to support Senator Raine's motion and to go one step further by making physical activity and healthy living a daily part of your life.

The Hon. the Speaker pro tempore: Will the Honourable Senator Plett accept a question?

Senator Plett: Absolutely.

Hon. Roméo Antonius Dallaire: Honourable senators, I am most impressed, of course, and taken aback by the energy Senator Plett has put into this, and also his commitment to better health. However, I am wondering if under this new policy he will give me all the jubes that are in his office.

Senator Plett: Thank you very much, Senator Dallaire, but I have been told that jubes have very few calories so I will keep some of them.

(On motion of Senator Carignan, debate adjourned.)

[Translation]

• (2020)

RECREATIONAL ATLANTIC SALMON FISHING

ECONOMIC BENEFITS—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada.

Hon. Ghislain Maltais: Honourable senators, I am pleased to speak today about recreational Atlantic salmon fishing.

First, I would like to pay tribute to our former colleague, Senator Meighen, who was interested in this issue for many years. He spent a lot of time and money on sport fishing and protecting Atlantic salmon. Senator Meighen loved nature and was an experienced fisherman. He also believed in conserving the resource, and the world of recreational Atlantic salmon fishing in Canada owes him a great deal. This evening, I wanted to pay tribute to him for the work he did in his final years in the Senate, and even earlier.

Atlantic salmon is considered to be the king of our rivers by most of the Western world. Honourable senators, those who love this sport know that recreational salmon fishing is a battle between God-given nature and the fisherman's finesse. This sport attracts a lot of foreigners to the Atlantic because that is where you find the most combative salmon. I have nothing against British Columbia salmon, of course, but Atlantic salmon are known for their size and fighting spirit.

Fishing is not just a sport; it is also a huge part of the economy in Quebec, Nova Scotia as well as Newfoundland and Labrador. But New Brunswick has the best rivers for salmon fishing in the North Atlantic.

Let us not forget that in 1986 and 1987, when the last commercial salmon fishing permit was withdrawn by the federal government following a significant drop in the resource, beyond our borders, our coastal areas, many countries were fishing with abandon. Floating factories fished Atlantic salmon and returned to their home country, depriving Canada of huge profits. There was so much overfishing that the resource was in jeopardy.

Others also contributed to the destruction of the Atlantic salmon. That is when the then Prime Minister, the Right Honourable Brian Mulroney, together with the Atlantic provinces, implemented a special program to rebuild the salmon rivers in order to rebuild the Atlantic salmon spawning grounds. In every province — Quebec, New Brunswick, Nova Scotia, and Newfoundland and Labrador — the federal and provincial governments worked hard on rebuilding these rivers and developing fish farms.

Let us not forget, salmon spawn in the river in which they are born. The salmon fry had to be cultivated and planted in the rivers emptying into the ocean in order for the salmon to return and spawn and rebuild a decent population in the Atlantic.

Over those years, there were extraordinary people such as Senator Meighen, but in each province there were also biologists, river managers, guides and even club managers to whom we owe the conservation. Workers behind the scenes will never make the headlines, but Atlantic salmon still exist today in our rivers because of these people who worked behind the scenes and helped save this very important resource.

I would like to talk about New Brunswick, which has the two best Atlantic salmon rivers. It has done an excellent job managing those rivers through controlled management. The other provinces have followed New Brunswick's lead as the first to implement controlled management: if salmon runs are good, people can keep salmon when they fish; if not, they have to release them. After a good tussle, people put their fish back in the water and off it goes, a bit stunned, perhaps.

The other Atlantic provinces have agreed to institute this kind of policy, and fishers have embraced the idea of battling the king of the river and putting it back, releasing it. Implementing the policy has been relatively trouble-free in every province. Everyone from fishers to managers wants to protect the resource.

After all, our ancestors, the first Europeans in America, filled their bellies thanks largely to this providential resource. Aboriginal peoples in Northern and Eastern Canada also ate salmon. Because salmon was in such plentiful supply, the poor ate it for many years. Unfortunately, the same cannot be said today, because it has become the food of kings.

We enjoy Atlantic salmon today because New Brunswick and Nova Scotia have focused on aquaculture, which is not an easy industry. Aquaculture is common in Scandinavian countries, but they do not have the same problems we have. Aquaculture is unlike any other line of work. Thanks to fish farmers, we can enjoy salmon at home and in restaurants.

But we must not stop there, because there is another danger lying in wait for the Atlantic salmon, a danger more devastating than man. Honourable senators, some statistics indicate that, in the Atlantic and the Arctic, there are more than six million seals at the mouths of rivers in Newfoundland and Labrador, Nova Scotia, New Brunswick and Quebec. These predators of the seas, these assassins of salmon, are ready to destroy the Atlantic salmon, to wipe it off the map.

As parliamentarians, it is our duty to immediately shoulder our responsibilities and ensure that our children, grandchildren and great-grandchildren can enjoy the divine resource that is salmon.

I know that many of you prefer golf to salmon fishing. I prefer to go to a salmon fishing derby than a golf tournament. But after three or four fishing trips in the summer, the best salmon fishing will be over.

Honourable senators, this is the best time to go salmon fishing, and we are here. The salmon are waiting for us.

What I would like you to remember about my speech is that we have to accept our responsibility for the future. We used to believe that cod stocks were infinite. Today, cod fishing has all but died out. Fishers have had to learn new jobs; plants have closed. This fate also awaits the Greenland halibut, whose stocks are threatened by seals, which are decimating its population.

• (2030)

Rather than feeding a population of 6 million seals that eat 75 pounds of fish a day, we could feed many families living in the Third World, in Central America or in Africa.

Let us remember that dried salt cod was first and foremost the food of ordinary people. It was not on the rich folks' table, but on the tables of the workers. If the cod have been lost, and the Greenland turbot are at risk, we may also lose the Atlantic salmon. I beg you, let us all be very vigilant in each of our provinces.

As parliamentarians, we have a duty to the generations yet to come. We must ensure that the king of the river remains here forever, in the Atlantic, so that our children and grandchildren can also enjoy it.

[English]

Hon. Terry M. Mercer: Honourable senators, I do plan to speak to this inquiry in some detail, at which time I will follow our colleague's discussion about seals being at the mouths of various rivers in Atlantic Canada because they have already eaten all the cod.

(On motion of Senator Mercer, debate adjourned.)

[Translation]

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan, calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

Hon. Maria Chaput: Honourable senators, I did not have an opportunity to advise Senator Andreychuk that I wanted to take part in this debate. With leave of the Senate, I would like to give my speech and have the adjournment stand in Senator Andreychuk's name.

Honourable senators, I wanted to take part in this debate on Senator Cowan's inquiry, and I thank him most sincerely for initiating it. The Canadian Charter of Rights and Freedoms is 30 years old this year. A number of honourable senators have recently saluted this anniversary. I will not repeat what they said, except to add that I am also very pleased to have this important constitutional tool in my life as a Canadian citizen. I am also pleased for my children, my grandchildren, and yours, whatever party we represent in this upper chamber.

We inherit what is passed on by our predecessors, and we are responsible for preserving the legacy we receive, which is representative of a long-standing parliamentary tradition. We are proud of our Canadian identity, of course, but also of our provincial identity, our culture and our language.

I have often defined myself in this chamber as a francophone from Manitoba who is involved in my community, my province and my country. Today I would once again like to testify to the important connection between my culture, my identity and the constitutional institutions that changed my life and the lives of my fellow citizens in unexpected and, there is no denying it, even drastic ways. Together with you, I would like to look back at how far we have come in the field of education thanks to the Canadian Charter of Rights and Freedoms.

Thirty years ago, we Franco-Manitobans were just barely beginning one of the toughest journeys to be taken by a minority group that was being oppressed by a variety of legislation. Our grandparents called these laws appalling, unfair and immoral. Since 1890, we had been under the heavy hand of legislators who

were at first hostile and then merely indifferent. In 1979, after three failed attempts before the courts, we had just managed, thanks to Georges Forest, to restore section 23 of the Constitution of Manitoba, indicating that French was an official language of my province.

Unfortunately, this difficult and crucial constitutional fight had divided our community. It was the first time, but it would not be the last. We had had to go up against the Government of Quebec, which had opposed our desires to have our mother tongue regain its constitutional status. Even after this irrefutable victory, we knew that a lot of work remained to be done, because the provincial premier at the time, Sterling Lyon, regarded our constitutional rights as merely privileges.

Our battle as minorities always had two tracks: first schools and then language. Historians will argue whether our priorities could have and should have been different. But in the face of newfound intolerance on the part of the premier and his government, we were already engaged in a petty, divisive and public fight within our communities. We had to fight to bring in education legislation and to get schools that reflected our cultural aspirations. We had to fight to get one or more classrooms where instruction would be in French. And when we asked for new schools to be built using our tax dollars, some people called them "future white elephants."

We fought every day. Not a week went by without one or two or three meetings. We often had to leave our children at home to guarantee them a future at school. Some conflicts become wars of attrition that can exhaust the participants to death. Some people ran out of energy and gave up the fight.

Between school, language, our family life and our careers, did we have the time to follow the constitutional debates when our provincial premier was our chief opponent in the "Gang of Eight"?

The answer should come as no surprise. We were used to being ignored in the drafting of legislation that concerned us directly, so we listened to this noise and this furor. We were used to being stuck between a rock and a hard place, so we knew that if certain guarantees were not enshrined in the Constitution, we would have a problem.

During a presentation before the constitutional committee, the then-president of the Société franco-manitobaine, Gilberte Proteau, said, and I quote:

The goodwill of the Government of Manitoba and of the anglophone majority in Parliament are not sufficient to guarantee the rights of the minority.

Having become used to a Canadian Constitution that did not protect us from the ambitions of our enemies, we explained our position, which sounded like a heartfelt plea.

Our position in favour of the "Yes" side in the Quebec referendum was still ringing in our ears. We were in a difficult position between the people of Quebec who wanted a different status and the people who lived all around us. We knew that in Quebec they had everything we wanted so dearly: institutions, schools, courts, and other establishments that operated in our mother tongue.

But we were — and we are — from Manitoba. Even though some of our neighbours and politicians sometimes opposed our desire for survival, we knew that others supported us. We were not the only ones seeking a different, bilingual Manitoba and Canada. Not all Manitobans were telling us, "Go back to Quebec," imagining that was our home.

So the constitutional consultations reopened or irritated these wounds and presented opportunities for dissension. What hurt the most was seeing our premier fighting against our ideal for Canada, fighting against improvements in our condition. It broke our hearts because we did not want the status quo, but we had no way to influence the debate.

And yet, as a bilingual province in 1870, our Manitoba was and is just as much a founder of Canada as Quebec is. The Metis and French Canadians of that day accepted Louis Riel's vision of a bilingual, bicultural Canada.

While we were somewhat distressed to see Quebec left out of the signing of the Constitution, we were not surprised. Because we speak and understand both official languages of this country, we had learned — without filters from the media — that the points of view of the parties were irreconcilable.

As in many communities outside Quebec, the charter's arrival was significant, but it was also seen as another possible cause of dissension in our communities. That is probably the reason why we thought at the time that the rights we had been given were not as useful as we later found them to be.

Having been a minority for decades, we were not convinced that a federal government could submit a constitutional tool of the calibre of section 23 of the Canadian Charter of Rights and Freedoms to the provinces. The courts had protected provincial prerogatives for a long time, and even all the way to London, England. Rarely had provincial governments been criticized or censured for oppressing their minorities.

• (2040)

The first time this changed was in *Forest* in 1979, but the strictly legal implementation of that ruling by the Lyon government was a bit of a setback for us.

Section 23 of the charter was not worded as it is today. Historically speaking, it has come a long way since it first appeared in 1968 in the documents and reflections of the Royal Commission on Bilingualism and Biculturalism. You will recall that the commissioners had devoted an entire volume to education. Compared to the latest version of that section, their attitude, according to constitutional expert Michel Bastarache, was very moderate. According to him, the B & B commissioners felt that the parents' complaints were legitimate, but proposed inadequate solutions in terms of the school boards, management, and language of instruction.

In the years that followed this report by the commission, Ottawa and sometimes the provinces worked together and separately on this extremely vexing matter for anyone trying to protect the education rights of the younger generations. Whether

in 1972, with a joint House of Commons-Senate initiative, or in 1977, with the Saint Andrews accord, more often the idea of "where numbers warrant" came up instead of the parents' freedom to choose. This idea of numbers, which dates back to 1896 and the Laurier-Greenway accord, haunted francophones in my province for decades.

It came up again in 1978, during a constitutional meeting, but it was then that we also first saw the concept of the right of the child to receive an education in his or her language. For the first time, we went from freedom to choose to the collective right of the minority.

It was not until 1980 that the right of official minorities to educate their children in the language of their choice took shape. In addition, mobility rights enabled parents to place their children in the school of their choice regardless of which province they moved to.

Finally, in 1982, section 23 of the Canadian Charter of Rights and Freedoms came into being. You all know what has happened since then. It took many long years for francophone minorities in particular to understand the fundamental, intrinsic strength and worth of that section. They went to court to get what the anglophone minority in Quebec has always had: full recognition of the right to instruction in one's mother tongue regardless of numbers or geographical location.

Over time, various rulings have given shape to section 23. We have seen the creation of new school models, student groups and the judicious use of transportation. In my opinion, this is where we have seen the most progress: a francophone student cannot be forced to attend classes in a school if that is not his choice. The concept of rights holder has really taken root in the minority francophone community outside Quebec. This gives parents much more latitude than they had in the past.

Obviously, none of these advances came easily. The provinces had to be persuaded to legislate an acceptable school system. Some of the provinces found this restrictive at times. In the end, however, minority communities in Quebec and outside Quebec were recognized as equal under the Constitution. Our great-grandparents asked no more and wanted no less.

In closing, I would like to quote the well-known Quebec constitutional expert, Benoit Pelletier, who summarized the role of the Constitution in the lives of ordinary citizens as follows:

The Constitution is the fundamental pact of a country, a type of solemn contract between partners working to build a country. Substantial change to this pact or contract without the consent of one of the parties is an affront and imprints the constitutional act with an illegitimacy of sorts, if not a definite illegitimacy.

Thank you, honourable senators, for listening to my speech.

(On motion of Senator Andreychuk, debate adjourned.)

[English]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Senator Dallaire's inquiry on the prevention and elimination of mass atrocities of war.

Having spoken so eloquently, Senator Dallaire has provided us all with an insight into the harsh realities that many people around the world suffer each and every day. This in turn has reminded us of how fortunate we are to live in Canada; a peaceful nation that is based on the principles of justice, human rights and equality.

I want to thank Senator Dallaire for introducing this very timely inquiry and more importantly for the hard work he does on behalf of Canadians to stop the atrocities of war and to try to restore peace in areas plagued by war. I would also like to thank him for all the work he has done in Africa specifically, as this is my continent of birth.

I also take this opportunity to thank Senator Eggleton for sharing with us the role Canada played in Kosovo when he was the Minister of Defence. We all know that many lives were saved because we, as a country, made the decision to intervene and reach out to the people of Kosovo.

Honourable Senators Dallaire and Eggleton not only know of the destruction that war causes but have acted to find ways to save lives, and I want to thank them for their good work.

As honourable senators are aware, in 2002 I was appointed as Canada's envoy to the Sudan. For four years I had the honour of travelling on your behalf to many parts of Sudan as your envoy. I was able to travel both to the south and the north of Sudan where I witnessed first hand the impact war had on the lives of the people living in Sudan. At that time, Sudan had been at war for 50 years, and in many places in South Sudan there was literally nothing on the ground. There were no schools, no hospitals and no buildings. Everything had been destroyed, and I heard from a number of people that when something was built, it would not be long before it was destroyed.

[Translation]

The first Sudanese civil war was waged between 1955 and 1972 by North and South Sudan. More than 500,000 people were killed in the war. Unfortunately, the agreement that marked the end of

the war did not ease tensions between north and south. South Sudan wanted better representation and regional autonomy.

This led to the second Sudanese civil war in 1983, which lasted until 2005. Two million people were killed and four million were forced to abandon their homes.

Over the course of 50 years of war, more than 6.5 million people lost their lives or were forced to abandon their homes. This is equivalent to the combined population of British Columbia, Manitoba and Nova Scotia. It is unbelievable.

[English]

South Sudan has very fertile land and clearly could be a food basket of that region. However, at that time, and sadly even now in some places, the people of Sudan are forced to rely on food aid as they are constantly on the move trying to escape from the violence. I saw first hand the heartbreaking impact war has on populations and, more importantly, on the lives of children.

When I first became the envoy, I would ask questions such as how much food was being delivered to the area and whether it was reaching those who were the most needy. After a while, I set up my own unscientific way of finding out how dire the situation was in a particular area.

I would go to the nutrition centres in very remote areas to see what food was available for the malnourished children. These children were not just hungry; they were literally starving to death.

• (2050)

For a child to recover, I understood that he or she needed to be fed at least eight times a day. I never found a centre that was able to meet this requirement. The better-equipped centres would be able to feed a child four or five times, but the majority of the centres were only able to provide two or three feedings.

That is when I realized the true atrocity of war. War is seeing children whose stomachs are swollen and covered in loose, hanging skin. War is seeing a child's hair turn from black to blond as a result of malnutrition. War is feeling a sense of relief when hearing a child scream out and cry, knowing that silence is usually a sign of defeat.

In the south of Sudan there were so many places where the situation was dire, as the 50-year war had completely destroyed any semblance of government or even tribal governance. There were many places in the north of Sudan that were also stricken by destruction and poverty because of the war.

I visited East Sudan, an area near Port Sudan, where large ships would arrive with huge supplies of food aid. When I visited the displaced persons camps in that area, these camps were also lacking in food and other very basic and crucial necessities. I will never forget the day when I met a mother with four young children around her — two she was carrying and two were clinging to her. This woman practically dragged me toward the sight of the port and said to me:

See all those tons and tons of food arrive at the port, but not one bag — not one small bag — is given to us. We starve while all this food is transported away from here.

She said she was forced to watch her children and her people die while the world ignored her cries.

Then, sadly, there was the great conflict in Darfur, and our Canadian delegation was the first foreign delegation to go to El Fasher where the fighting was intense. I was told we were being taken to a United Nations displaced person's camp. In my mind's eye, I envisaged blue tents set up in rows with food stations and people receiving medical aid. We were welcomed by the Canadian Army personnel who were doing a yeoman's job under very difficult circumstances.

The people at the camp had fled bombing and had led fairly peaceful lives, so they were in absolute shock and denial as to what had happened to them.

Honourable senators, nothing had prepared me for what I saw. There were no tents — just makeshift, torn plastic shelters. The water supply, which consisted of a single tap, had not been connected. They were still waiting for the food to be delivered. When I arrived, the mothers surrounded me and started to tell me to thank Canadians for the help we were providing for this camp, as we had given UNICEF money to teach the children.

I was in awe when these mothers were thanking me. Here I was, standing in the middle of this camp where the conditions were deplorable, and these women were thanking me for all our country had done.

Then it dawned on me: Parents all over the world want the same thing. They want what is best for their children, and what is best for their children, even in the middle of a war, is education.

Since then, I have been to many countries around the world. Time and time again, people, especially mothers, say to me that they want to educate their children. War does not rob anybody of the desire to try to live as normal a life as possible. Parents try to bring as much normalcy into a child's life as possible and they know the powerful impact having an education will have on the lives of their children.

I used to visit many camps as the envoy in Darfur. One day I visited the displaced persons camp in Nyala where I befriended Ahmed, a young nine year old. I had visited that camp many times and had noticed that Ahmed always kept his distance. One day I made a point to take some crayons and papers for him and sat next to him. After a while, he started drawing and I left. The next day, when I returned to the camp, Ahmed ran up to me and showed me his artwork. I saw all kinds of images that I pray no child ever has to witness. He had drawn a helicopter with bombs falling and destroying what he said was his village. He had also drawn people on the ground, covered in red crayon, which he said was blood.

After seeing this heartbreaking drawing, I asked Ahmed what had happened to him. He was no longer timid. He told me that the militia had killed his whole family. They had killed his mother, his father, and all seven of his siblings. He then went on to explain

that the only reason he was spared was because he had gone to collect firewood and missed the attack. He then joined the few other survivors from his village and walked to the camp.

War had robbed Ahmed of his family, his childhood and, most of all, his innocence and peace of mind.

Honourable senators, in the four years I was Canada's envoy to the Sudan, I saw many terrible things — things that to this day give me nightmares. However, nothing could have prepared me for my encounter with Samia.

In Darfur, I visited a house where babies who had been born to mothers who were victims of rape were housed. These were babies that had been abandoned by mothers, not because they wanted to leave their babies but because they were fearful of what would happen to them if they were brought home.

Here the staff spoke to me about Samia. She was two and a half years old but very emaciated. I was told that her mother used to visit her daily and sobbed when she left. Samia was unable to go home with her mother because she was a reminder of the brutal manner in which Samia's mother had been raped. Although her mother longed to be with her daughter, she knew that Samia would remind her husband of the brutal way that his wife was attacked and the fact that he was unable to protect his wife while she was being gang-raped.

Samia was paying the ultimate price. I used to visit her and got attached to her, but I will never forget the first time I held her. She was all bones with loose skin hanging on her, but all she wanted to do was be held and hugged. Samia, like every child in world, wants to be cared for and loved. I used to observe the agony of her mother as she left her little princess and, at times, I cried with her.

I often think of the pain Samia and her mother were forced to deal with and somehow feel personally responsible for their fate, as I was the envoy and always questioned whether perhaps Canada could have done more to stop war affecting the Darfurians.

Honourable senators, Samia is the reason we have to stop the atrocities of war. As Francis Deng, the UN's Special Adviser to the Secretary-General on the Prevention of Genocide, states:

... prevention before situations escalate is the best course of action. Because if you engage governments early on, before they become defensive, much can be done to avert this critical choice between either military engagement or indifference.

We must remember that deciding not to act is a decision.

Honourable senators, we have to act to stop wars for the sake of Ahmed and Samia. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Carignan, debate adjourned.)

• (2100)

PALLIATIVE CARE

INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley rose pursuant to notice of May 3, 2012:

That she will call the attention of the Senate to the state of palliative care.

She said: Honourable senators, palliative care is the combination of active and compassionate therapies intended to comfort and support individuals who are living with or dying from a progressive life-threatening illness, their families and the bereaved. Palliative care is about easing pain, it is about treating symptoms and it is about peace of mind. More than that, it is about dignity, it is about respect and it is about demonstration of the quality of our society. Palliative care is fundamentally about living well until the end of life.

It has been less than 20 years since the Senate report entitled *Of Life and Death*. In 1995, a committee chaired by former Senator Joan Neiman played a pivotal role in bringing palliative care to the attention of Canadians. The report documented the discouraging state of palliative care in Canada at that time. It noted that there were no official palliative care specialties for health care professionals. It noted that Quebec was the only province to specifically fund palliative care positions, and it noted that palliative care was not available throughout the country.

Honourable senators, the Senate report from 1995 was largely responsible for kicking off a revolution in palliative care in Canada. In less than 20 years, palliative care has moved from a fringe discipline to a well-recognized and crucial element of our national health care system.

Back in 1995, the general view of palliative care among the population was negative. Palliative care was seen as a final resort, as surrender to disease, as giving up. Today, through the hard work of many wonderful people who work in this field, the true message of palliative care is coming through. Palliative care is not about surrendering, it is about living life to the fullest. We will all die some day. Palliative care is not about rushing to that end. Instead, it is about living a meaningful and comfortable life as long as possible.

I am proud to say that in those years, this institution played a major role in supporting and pushing the recognition of palliative care. The 1995 report was followed by the 2000 report, *Quality End-of-Life Care: The Right of Every Canadian*, chaired by our former colleague Senator Sharon Carstairs and deputy chair, former Senator Gérald Beaudoin.

These early reports were followed in 2009 by the final report of the Special Senate Committee on Aging, led by former Senator Carstairs and former Senator Wilbert Keon, entitled *Canada's Aging Population: Seizing the Opportunity* and by two reports from Senator Carstairs tabled in this chamber entitled *Still Not There. Quality of End-of-Life Care: A Progress Report* in 2005 and *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada* in 2010.

This chamber has been a leader in raising issues of palliative care and care for the elderly. Sharon Carstairs served as Minister with Special Responsibility for Palliative Care from 2001 to 2004, and Senator LeBreton served as Minister Responsible for Seniors. Through the work of these senators and others in this chamber, and in cooperation with federal and provincial governments, community organizations and those who work in the field, Canadians can now benefit from improvements such as more research in palliative care, the Compassionate Care Benefit under Employment Insurance, a Family Caregiver Tax Credit, improved education and training of health care professionals in palliative care and national standards. I believe that the improvement of palliative care is one area in which this chamber has helped to change the lives of many Canadians.

This year, Hospice Palliative Care Week ran from May 6 to 12. This campaign, which runs every year, helps to focus attention and raise awareness on issues related to palliative and end-of-life care. The motto for this year's campaign was "Let's Work Together." The slogan captured the essence of palliative care in many ways. On the political and policy level, the Senate has worked together with the Canadian Hospice Palliative Care Association and many other organizations and institutions to help raise awareness and acceptance of palliative care.

On the practice level, doctors, nurses and other specialists in palliative care bring in resources from numerous areas to coordinate effective care for their patients. From the patient's perspective, effective palliative care incorporates physical, mental and spiritual components of treatment, as well as the family and friends of patients.

"Let's Work Together" is more than just a rallying cry for Hospice Palliative Care Week; it is part of the integrated philosophy of care that underlies the practice of palliative care. This underlying teamwork required for effective palliative care has been one of the historical challenges in building the acceptance of palliative care as a discipline. It is not a medical discipline that lives in isolation. The interdisciplinary nature of palliative care is not simply a nice extra-value feature of the field; it is the underlying essence of palliative care.

Palliative care requires nurses, doctors, pharmacists, occupational and physical therapists, personal care workers, musical therapists, spiritual advisers, social workers and others to work together to meet the needs of the patient and his or her family. This integrated approach to care requires breaking down silos and barriers if we are to truly provide care for those at the end of life.

Even though palliative care has made major breakthroughs in the past two decades, there is still much to be done. A few months ago, an all-party ad hoc committee in the other place known as the Parliamentary Committee on Palliative and Compassionate Care produced a report on palliative care. The report reiterated many of the themes and recommendations contained in the reports generated from this chamber, demonstrating that there are still many issues that need to be addressed.

Although palliative care now has much more recognition than in the past, one of the most disturbing statistics is the availability of palliative care to Canadians. About 90 per cent of all deaths

can benefit from palliative care. However, only 16 to 30 per cent are actually receiving palliative care services. The majority of people who need this service still cannot access it. Major gaps still exist, particularly in First Nations.

Although large strides have been made, the efforts to make palliative care available to all Canadians who require it is far from finished. I would like to make particular note of the difficulty in accessing palliative care services in rural areas, which is of particular concern to me as a representative of Prince Edward Island, a largely rural province.

Honourable senators, the growth of palliative care is not an extra expense in our health care system; it is an efficiency that saves in the long run. People who can benefit from palliative care often end up in our hospitals simply because they have nowhere else to go to get the care they need. These beds at our hospitals cost \$600 to \$800 per day or up to \$1,200 per day if a critical care bed is used, but there are often no other options for these patients.

Contrast that to the cost of other palliative options. A palliative care bed in a hospice costs about \$300 per day. Palliative care support in a patient's own home costs about \$200 per day. There are substantial savings that can be recognized in the health field but only by continued development of a suite of services targeted at those who can benefit from palliative care.

• (2110)

Palliative care is a model of how we should view and change the future of health care in this country. By its very nature, it is an interdisciplinary field requiring the cooperation of not only various different medical disciplines, but also incorporating community and family supports, and professionals in other areas.

It is a holistic approach to medicine, placing the patient at the centre of a web of supports where the ultimate goal is not to cure the malady at all costs, but to improve the patient's quality of life to the maximum extent possible. Perhaps the practice of medicine in other areas can learn from the cooperative approach of palliative care and make our health care system more effective and efficient.

Honourable senators, we have come a long way in the practice of palliative care over the past 20 years. We have seen the field move from a fringe discipline into the mainstream of health care. Its common meaning has transformed from giving up to maximizing our quality of life, but there is still a long way to go.

This chamber has played a critical role in the growth of palliative care in the past 20 years. We have been left a legacy from people such as former Senators Sharon Carstairs, Wilbert Keon, Joan Neiman, Gérald Beaudoin and others who have been instrumental in the Senate's support for better palliative care. I ask all honourable senators to take up the torch they have passed to us and to help in continuing to contribute in making palliative care available to all Canadians.

Hon. Jane Cordy: Will the Honourable Senator Hubley take a question?

Senator Hubley: Yes.

Senator Cordy: Honourable senators, that was an excellent speech and, of course, an inquiry about palliative care is an excellent thing for the Senate because it is so important.

I wonder if the honourable senator is aware of a new initiative that has been created to assist community-based palliative care projects in Manitoba.

The Sharon Carstairs Caring Community Award has been established by Hospice & Palliative Care Manitoba to assist local Manitoba initiatives to improve programs, services and care of the dying and their families. The award was created to recognize the outstanding contributions made by the Honourable Senator Carstairs, Canada's first and only Minister with Special Responsibilities for Palliative Care. Senator Carstairs, who retired last October, had a record of achievement in palliative care unparalleled by any government official around the world.

Was the honourable senator aware of this great recognition of Senator Carstairs' work on palliative care that has been started in Manitoba?

Senator Hubley: Honourable senators, I am always delighted to take Senator Cordy's questions, because she always gives me the answer. However, it does give me a moment to again celebrate the work that takes place in this chamber and recognize our colleague Senator Sharon Carstairs. Indeed her work goes on. She has never given up. I thank the honourable senator for the question.

(On motion of Senator Fortin-Duplessis, debate adjourned.)

PROMOTION OF ALBERTA'S INTERESTS

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of June 11, 2012:

That he will call the attention of the Senate to the connection between maintaining the social license to operate in the energy sector and promoting Alberta's interests.

He said: Honourable senators, I term this more colloquially as "who's really hurtin' Albertans?" when it comes to promoting Alberta products abroad and nationally, and trying to get development projects built.

I was in politics in Alberta for a long time, starting in the early 1980s and into the 1990s. There is a sort of hubris sometimes about Conservative politics that one is either with them or against them, and that somehow they are right and everyone else is wrong. I remember in the 1980s and 1990s in Alberta I was often asked, "Why do you not stop being political?" It always struck me as this great hypocrisy because, as long as a Conservative was saying something, it was not political. However, as soon as a Liberal said it, somehow it became political. I used to respond, "I am not actually being political; I am not actually being partisan. I do not disagree with Conservatives because they are Conservatives; that would be partisan. I disagree with Conservatives because they are wrong; it is fundamentally different."

However, that has morphed into a different hubris in the current environment in Alberta, cum national politics, that somehow if one is not seen to be addressing the issues that

affect Alberta's energy sector in the way that Conservatives address them, then one is un-Albertan. There is this limited, monolithic, singular view of what is in the interests of Albertans and somehow that is developing these projects and creating jobs. Of course that is in Albertans' interests, but the real question that this unfortunate labelling misses is, how exactly does one promote those interests successfully on behalf of Albertans? That raises the question directly of social licence.

That is where this rubric of "who's really hurtin' Albertans?" breaks down. The Conservatives, on the one hand, and those who take this position feel that the obvious is always obviously right. In the case of social licence, the world is turning and, as I have said before, up is not down, it is quite different; and in is not out, it is very different; and black is not white, it is very different. Those who are stuck in the past want the simplicity of this idea that if we take down "all the barriers," — the environmental reviews — and we absolutely seem to accord these development projects whatever they need to get done, then somehow we are representing Albertans' interests.

I posit here tonight that quite the contrary is true, that when it comes to these projects social licence is at stake. The question that should be asked is, how does one get that social licence? The Gateway is a very important project, or something like that, that will give us markets to the west, to the Pacific Rim. We are losing out on as much as \$35 or \$37 a barrel because we cannot break out of the locked-in markets in the U.S.

Gateway is probably not about the environmental review, because I doubt that it will be turned down because of the environmental review. Gateway is about the people of B.C. and the Aboriginal peoples of B.C. giving that project the social licence to proceed. People forget that even if the environmental review passes — and it probably will because they are never turned down — and even if it passes in 18 months or 2 years — because Bill C-38 speeds it up and smoothes out all the wrinkles, as the Conservatives would say — there are 60 groups of Aboriginal peoples, most of whom probably have serious doubts about that project, and the residents of British Columbia who have serious doubts about that project because they do not see anything in it for them except the risk.

I would wager that the project will be stalled not because of the environmental review process and not because it cannot in some way perhaps — and I am not going to go that far — ever address environmental review processes properly, because this government probably will not. It will be turned down because this government and others trying to promote it will not be able to get the social licence from the people of B.C. and the Aboriginal peoples of B.C. to build that pipeline.

Those people barging ahead and trying to bully that project through forget the critical feature of this: just because one thinks one is right and just because one thinks one can bully people — and that cannot be the case because they do not need those people as much as they need them — the fact is that they will not win it that way.

The way one has to win these projects, if I can put it that way, would be to build the social licence. Honourable senators, look at Keystone, a classic. How much is the failure to get approval for

Keystone costing Canada and Alberta every single day? Millions and millions and millions of dollars, and why is that? This government could not mount the case to get the social licence in the U.S. to build Keystone.

Some people say we have to forge ahead, to heck with the environment, and it is a no-brainer. I think the Prime Minister said it was a no-brainer that they would have to build Keystone. Honourable senators, people rose up and said "No, you got it wrong." People who forge ahead without consideration to the environmental cost, without consideration to the environmental review, without a future-looking way of dealing with climate change, do not represent the interests of Albertans who want those jobs, need those jobs and the economic development that comes with it, not just in Alberta but across the country.

• (2120)

Who is hurting Albertans? It is the people who do not understand that the issue here is social licence. One cannot bully people in the U.S. or B.C. or many people to get what one thinks is right no matter what. They have values, they have positions, they have strengths and they have leverage and they are shutting it down.

As an example, just recently I was in Britain on a Canada-Europe delegation and we were there to talk about the fuel quality directive, which is Europe's way of discriminating against Alberta oil. They are wrong. We were defending Alberta in the sense that it should not be discriminated against, and that Algerian and Russian oil have just as big, if not a bigger footprint. They are getting advantage, despite that, over our oil and products that one day may be sold or derivatives of our products that today are being sold.

We were meeting with the Energy Committee of the House of Commons of the British Parliament. There was a Conservative, hard-nosed Conservative, right-wing economics kind of MP. I know Senator MacDonald would be very comfortable with him because he is hard-nosed, except he is fiscally responsible, which honourable senators opposite are not, of course.

He asked how Canada can continue down that environmentally unsustainable route. This was a Conservative. This was not some left-wing Labour MP. This was a Conservative who gets it, who understands that one cannot forge ahead and get economic development if one forgets the environment and promotion of those values and one forgets that one has to sell these projects with one's credibility on the environment before one gets the social licence to do it.

Do honourable senators know who gets the social licence argument? Amazingly, my colleague in the legislature, the former Premier of Alberta, Ed Stelmach. He is a wonderful man. He said that we may think — I do not and he probably does not either — that climate change is not occurring or we may think that we are not solving it or causing it or we may think it is not really our fault, it is someone else's fault. But you know what? That is not what the world thinks. The world thinks we have a problem and the world has leverage over what we will do, where we will sell it and whether we will build these projects.

Ed Stelmach used an interesting analogy. He said that if one's product is black suits and one's customers only want white suits, one cannot convince one's customers that black is white. One has to reach out to where they are and start developing a suit that matches their particular market.

Do honourable senators know who else gets it in Alberta? A Conservative, the new premier, Premier Alison Redford gets it. She understands that one cannot forge ahead with a bullying posture and expect the world to come one's way because one thinks one is right and they are wrong and everyone is going to give the government the kind of social licence it needs to build projects and sell our products. She actually really and truly gets it. She sees that we need to have credibility on climate change and emissions reduction, not just in Alberta but across the country. We need to have a national government that takes that message to the world and is convincing in the way that they present that message. Without any credibility, without any demonstrable reductions in greenhouse gas emissions, no one is buying it.

The Conservative response is two things. First, they use this facile ethical oil argument. It is so facile. It is so transparent that everyone gets it and no one accepts it because of this. It happens that the Atlantic Provinces are buying the same kind of oil that we claim, that Mr. Harper claims, is the unethical oil that the U.S. is buying. They are buying the same kind of oil. What are we saying to the people of the Atlantic Provinces? They are not ethical or we do not care about their energy security? Is that what they are saying? This includes Quebec too. It is such a facile argument. That is all they had. That is the only argument that they had.

Do honourable senators know where they got it from? They got it from Ezra Levant. Oh, my God, we depend upon Ezra Levant for our marketing strategy on our international and national oil projects. There it is. It is just breathtaking, the level of intellectual bankruptcy to which they descend to make their case.

The fact of the matter is that the Conservatives, having expended that argument, then sort of fall back on this thing, that the world just does not get our case. They do not understand our story. We are not communicating it well enough.

What if the world actually does understand our case and really does understand what we are doing and not doing? What if that is in fact the case? The world actually is not stupid. They get it. They understand that we are not doing enough, absolutely not doing enough, and they are not according us any kind of credibility in that regard.

Instead of sending the message better and more forcefully, if that is what they wanted to do, if that is what they think the problem is, what does this government do? They say the biggest problem with the gateway in people's minds is the potential for spills. What will we do? We will instill confidence in those people by shutting down the emergency spills office in Vancouver and moving it east. What marketing genius figured that out? Are we paying money for that advice? I hope not. They squander money all the time everywhere else, I would not be surprised.

What about Keystone? Keystone has been shut down and stopped and delayed by powerful interests in the U.S. They are not just environmental interests; they are also economic, coal interests that have power. Do you know what they do? It is like

red meat when they see this government, powerful ministers and senators standing up and saying those foreign environmental foundations are money launderers. They are eco-terrorists; they are reprehensible. I am paraphrasing, I am not directly quoting.

What marketing genius figured that out? Why do we not give those arguments to the people who oppose Keystone in the U.S.? Why do we not just hand them that? Put it in writing. Why do we not just buy the ads, because they are all over it? That is why Keystone is stuck, and that is why it is costing us millions of dollars every day because, honourable senators, the government, Mr. Harper, the great marketing genius, cannot market his way out of a wet paper bag, if I can use that analogy.

What do we do? They shut down Kyoto. That sends a great message. They attack foreign environmental foundations. That seems counterproductive, in my mind. They shut down the National Round Table on the Environment and the Economy, which was world renowned and respected. They shut that down so, my gosh, everyone knows one cannot measure emissions. There is no independent, third-party group in any way, shape or form that will be able to measure emissions and monitor what one is or is not doing.

Does the world have any kind of confidence in us? Absolutely not. Who is hurting Albertans' interests? It is the people who do not get that one cannot do what seems to be obvious to them. One cannot just keep going straight ahead. It is not A to B, it is A to C to B, and they have to get good on the environment and they are not. They are without credibility in the world.

There is a model that works: the forestry industry. I do not know how many honourable senators follow the forestry industry, but I remember being in the Alberta legislature. It was a mess; the snow in places where there were pulp mills in northern Alberta was black from the soot. They were just burning the stuff, no filtering, nothing. There was worldwide concern with what they claimed to be clear-cutting, that we were not adequately reforesting and our practices were deemed to be not adequate internationally by the international community.

There was pulp and paper pollution, it was a mess. The forestry industry kept doing exactly what these people over here are doing. We just have to say it harder and faster, we have to do more of it, we have to make it clear because they are not getting our message. We are just not communicating properly. You know what was communicated to them properly? Victoria's Secret said that they would not buy Alberta paper for their catalogues and, bang, that shut it down. All of a sudden they got the message. It took them a while, but they got the message. Now they are the poster industry for doing these things right. The last time I checked, their carbon footprint for their industry was 44 per cent below 1990 levels.

Could I have five more minutes, please? I am not finished.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted for an additional five minutes?

Some Hon. Senators: Five minutes.

Senator Mitchell: I can go 10, I am just getting started. Thank you, honourable senators.

They have 44 per cent below 1990 levels for carbon footprint. They have treaties with the environmental group so they work together and they, rather than call them eco-terrorists or money launderers or ugly foundations, they actually now have come together and worked it out because they are being responsible and the environmental groups are giving them some slack and they are allowed to do what they need to do. It is working really well. They have used every last splinter in a tree they cut down because they are thinking about how they do this properly for the environment, how they do it properly for business so it is efficient, and they cogenerate, and I could go on. They get it.

• (2130)

There is no doubt that even senators across the way who are denying the science will eventually get it, because it is irrepressibly powerful what is happening with climate change and what it is doing to our economy. There is no doubt. The question is how long it will take.

We have not got all that much time, not just for climate change but for our economy. There is urgency. The markets are passing us by. People say it is China; they are not doing it, so why should we do it? Do you know what China will do? First, China has a problem with people breathing, so they are coming to grips with the environment; there is no doubt about it. However, China is also the place that will probably be able to manufacture all the alternative energy technologies that are necessary for strong alternative energy markets and production. They will get that, and all of a sudden they will flip, and they will flip the whole world's view of climate change. Do you know why? It is in their economic interest to do it.

China will pass us by. They will have the technology. India and the U.S. will pass us by. All the opportunities, not just to secure our conventional energy and oil sands energy for the future, but all those other possible economic opportunities that can be found in fixing climate change — in the technologies and intellectual property and the futuristic economy that comes with that — will pass us by.

I will close with an analogy that should ring true with Senator Raine, who is the poster person for denial of science in this Senate and probably across the country. I am saying that the whole world will pass us by. To provide an analogy that she will understand, they will beat us to the bottom of the hill and they will get the gold medal, not Canada, because we will miss all these opportunities and all this potential for a 21st century economy that can lead the world, give our children the kinds of jobs and future they deserve, and provide a future that is compelling and envied by the world.

However, we are not there, and we will not get there because we have a group of people on that side of the house, in the government, that simply does not get that the way to stop hurting Albertans' interests is to start to understand the environment, build credibility and get the social licence to do what we need to do to develop the economy that we need, an economy of the future.

Hon. Jim Munson: Will the honourable senator accept a question?

[Senator Mitchell]

Senator Mitchell: Yes.

Senator Munson: I agreed with everything the honourable senator said, but my staff would like to know what Victoria's Secret has to do with what he talked about.

Senator Mitchell: Victoria's Secret was renowned in the days before digital catalogues and online purchases. Victoria's Secret had paper catalogues, and they used a lot of paper. They were a huge market for paper. Undoubtedly, they had been using Canadian paper. However, they stopped using Canadian paper because they got tired of the Canadian forestry industry's record, and as a result, that industry began to respond.

This is purely anecdotal, but I noticed a report about a Quebec firm that makes unique countertops out of a special kind of glass. They are very stylish and popular, and they are internationally renowned. They are just starting to take off. They had a contract with a firm in Britain. The firm got in touch with them right after we cancelled our involvement in Kyoto at the conference in Durban. The British firm said they were cancelling their contract with the firm in Quebec. Do you know why? They said: Because you walked out of Kyoto and you do not have a government and policies that are responsible in terms of the environment.

That is what they said. Certainly, that is anecdotal, but I would bet that much more of that is happening than we think, and it is beginning to impact on our ability to influence the world and to have an economic advantage in the world's markets. It is very dangerous, and this government should start doing something about that.

(On motion of Senator Lang, debate adjourned.)

[Translation]

THE SENATE

MOTION TO SUSPEND TODAY'S SITTING FOR THE PURPOSE OF ADJOURNMENT OR TO RECEIVE MESSAGES FROM COMMONS ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, we are awaiting the arrival of two important bills that will be voted on in the other place between 10:30 p.m. and 11:00 p.m. Accordingly, and in order to be able to receive these bills, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the sitting be suspended to reassemble at the call of the Chair, with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive any messages from the House of Commons.

[English]

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

The Hon. the Speaker *pro tempore*: Honourable senators, do I have permission to leave the chair?

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

• (2320)

[Translation]

(The sitting of the Senate was resumed.)

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

(Bill read first time.)

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-11, An Act to amend the Copyright Act.

(Bill read first time.)

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

(The Senate adjourned until tomorrow at 2 p.m.)

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SENATE



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OFFICIAL REPORT
(HANSARD)

Tuesday, June 19, 2012

The Honourable NOËL A. KINSELLA
Speaker



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, June 19, 2012

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE ETHEL COCHRANE

The Hon. the Speaker *pro tempore*: Honourable senators, I have received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Cochrane, who will be retiring from the Senate on September 23, 2012.

I remind senators that pursuant to our rules each senator will be allowed only three minutes and may speak only once.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, today we bid farewell to our dear colleague, Senator Ethel Cochrane, who retires from the Senate of Canada in September, before the resumption of Parliament for the fall session.

For 25 years and 10 months, Ethel has proudly and ably represented her province of Newfoundland and Labrador in this place. While Senator Cochrane is a soft-spoken, kind-hearted woman, she is also fierce in her dedication and loyalty. We shall miss her common-sense wisdom, generosity and joyful spirit.

I had the honour of being in the office of the former Prime Minister, the Right Honourable Brian Mulroney, when Ethel was summoned to this place in November 1986, and I do remember those phone calls. Three women were appointed to the Senate on the same date, and while each was unique, it was particularly gratifying that this accomplished woman from rural Newfoundland was chosen to be the very first female to represent Newfoundland and Labrador in the Senate of Canada.

As Senator Cochrane knows better than most — and she has reminded us many times — there is a great deal more to Newfoundland and Labrador than St. John's, as outstanding a city as that is. She has championed the interests and concerns of rural communities in her province both in Parliament and as well as a member of the Conservative Party caucus. She has a long record of hard work in this chamber and has served on many standing committees over the years, including Fisheries and Oceans; Social Affairs, Science and Technology; Transport and Communications; and Energy, the Environment and Natural Resources; and of course she had leadership roles on many of them.

As a former teacher and school principal — maybe that is what it was; we all knew she was a principal and teacher and we would all remember our own dealings with school teachers and

principals — Senator Cochrane has particularly focused on the importance of education and literacy in her work as a senator. The education and training she received as a young woman clearly made a lasting impact on her life, and Senator Cochrane has been an advocate for ensuring that others, from small children to adult learners, understand the importance of having strong literacy skills.

She worked tirelessly on behalf of the youth of our country, and for several years now she has joined with Senator Munson and Senator Mercer in welcoming children to the Senate for events celebrating National Child Day.

On another important subject, Senator Cochrane also joined with Senator Mercer to champion a private bill that passed in 2008 to officially recognize National Blood Donor Week, which, incidentally, was celebrated last week. I know that the honourable senator is quite proud to have been part of that life-saving effort.

I do not think Senator Cochrane will mind very much my mentioning that later this year, in November, she and her husband Jim will celebrate their fifty-fifth anniversary. What a fantastic milestone to reach. Although I am personally sad to see Senator Ethel Cochrane leave, I am quite certain that she is looking forward to spending more time with her large and loving family.

Senator Cochrane, as you take leave of this place, on behalf of all honourable senators, especially your Conservative caucus colleagues, I wish you, your husband Jim and your family nothing but the very best and a well earned and happy retirement.

Although, knowing you, I am sure you will be embarking on yet another endeavour. May good health and happiness be with you always.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, before calling on the Leader of the Opposition I would like to draw your attention to the presence in the gallery of James Cochrane; James Cochrane, Jr.; other members of Senator Cochrane's family; and friends Nicole Power and Jeanette Downey. Welcome to the Senate of Canada, and on behalf of all senators, we extend to you a warm welcome.

TRIBUTES

THE HONOURABLE ETHEL COCHRANE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, on behalf of all of us on this side of the house, I want to add my voice to that of Senator LeBreton in paying tribute to Senator Cochrane as she prepares to retire from the Senate.

One of the greatest strengths of this chamber is the depth and range of experience of many of those who serve here. I know there are some people who think of the Senate as a unique preserve of, let us face it, older white men — politicians especially — born to privilege. I would like to introduce them to Senator Cochrane.

Senator Cochrane was born and raised in Lourdes, a small outport community on the Port au Port Peninsula on the west coast of Newfoundland. As she has described it, in those days, a woman in her community had two choices if they had aspirations to pursue a profession: become a nurse or become a teacher. There was one problem for Senator Cochrane to become a nurse — she could not stand the sight of blood. Therefore, her mother gently suggested that she follow the latter course, which she did.

• (1410)

Senator Cochrane began teaching at 16, an age when most Canadians are still students. Married at 19, she had six children before she reached the age of 30. Many people would find that challenging enough, but not Ethel Cochrane. As soon as her children were all in school, she picked up and went back to school herself. She earned two bachelor's degrees and a master's degree. She returned to teaching, always, as she said, encouraging her students to dig for the answers, to set goals and to push boundaries.

I think it is fair to say that Senator Cochrane never asked more of her students than she has of herself. Push boundaries? Yes, she did. As Senator LeBreton noted, she was appointed to the Senate by Prime Minister Mulroney in November 1986, the first woman appointed to this chamber from her Province of Newfoundland and Labrador.

Honourable senators, the high energy, determination and organization that propelled Senator Cochrane to take on all those challenges earlier in life — and succeed in them — she then brought to the service of her whole province, and indeed to Canadians, when she came to this place.

I mentioned that Senator Cochrane chose the profession of education because she could not stand the sight of blood. Perhaps because of that she has steadfastly refused through almost 25 years here to accept the adage that politics is a blood sport. For Senator Cochrane, politics is the highest form of public service, an opportunity to make a difference. Indeed, it is very much like teaching, but on a much larger scale.

Senator Cochrane has been a strong advocate for the twin causes of literacy and education. She has spoken on these topics, in her words, “to give voice” to those many — too many — Canadians who struggle to acquire basic literacy skills and those Canadians who devote their lives to helping them. It is not surprising that Senator Cochrane would use her position here to speak for those who are not normally heard.

Senator Cochrane knows very concretely the critical importance of education in enabling individuals to transform their dreams into reality, whether one is born in the biggest, most urban city in the country or in a fishing outport on a small peninsula attached to Newfoundland by a thin strip of land.

Senator Cochrane also knows from hard experience the challenges that continue to face women across Canada. She has spoken of being infuriated at the statistics of the continuing gender gap that exists and the fact that so many employers fail even to recognize this as a reality. She said, “If you empower a woman, you empower other women, children, families, communities, businesses — it impacts everyone and provides amazing results.”

Certainly, honourable senators, Ethel Cochrane has proven that to be the case. She has managed quietly, politely and with wit to be an especially effective advocate for the people of Newfoundland and Labrador, and indeed all Canadians.

Senator Cochrane, we belong to different political parties and we have always sat on opposite sides of this chamber, but I can truly say it has been a pleasure to serve here with you. On behalf of all your friends on this side, I wish you, Jim and your family happy years of retirement in your beloved Newfoundland and Labrador.

Hon. Senators: Hear, hear!

Hon. Ethel Cochrane: Honourable senators, I rise today to say thank you to all of you: my friends on both sides of this house, and everyone beyond the chamber who has contributed to my time in this incredible place. I would like to thank both the Leader of the Government, Marjory, and of course the Leader of the Opposition, Jim, for their kind words and recollections.

I would also like to say a special thank you to my fellow Atlantic Canadian, a dear colleague from New Brunswick, the Speaker of the Senate, the Honourable Senator Noël A. Kinsella. In my estimation, he is a man of remarkable faith and intellect, and a true statesman. I have known him in many roles over the years and I thank him, as well as his wife, Ann, for their great friendship and the fun that we have shared.

I would also like to express my sincere gratitude to the Right Honourable Brian Mulroney, who quite literally changed my life with the invitation to come to Ottawa. I will be forever grateful for this opportunity.

I am especially proud to have served as Newfoundland and Labrador's first female senator.

Hon. Senators: Hear, hear!

Senator Cochrane: I was appointed on the same day as the late Honourable Eileen Rossiter from Prince Edward Island and the Honourable Mira Spivak from Manitoba. When we arrived on Parliament Hill, we were photographed together in front of the statue of Cairine Wilson, Canada's first woman senator. It was significant at that time that three women were appointed together, as women were still a relative rarity in this place. I know on the Conservative side, there was one woman.

While progress on that front may have been slower than I would have liked, I am pleased with the gains we have made. Today, 37 per cent of the seats here are occupied by women, and that is fantastic.

Hon. Senators: Hear, hear!

Senator Cochrane: I am also thrilled that my province is one of a growing number that has a woman serving as premier. In that way, it feels like it is a good time for me to leave.

As each of us can attest, the experiences that we are afforded in this place are simply unparalleled. We are blessed with the opportunity and the mandate to represent Canadians right across this lovely land. I have been fortunate to meet with people of all ages and all walks of life, especially students. Each has had stories to share and they have enriched my life with their openness, their respect and their friendship. Through these experiences I have developed a far greater understanding of my fellow Canadians than I ever thought possible.

Along the way, I also developed a newfound appreciation for our parliamentary system.

As a result of all this, my love for my country has deepened and matured. When I came to the Senate, I arrived as a teacher of 22 years, just like Senator LeBreton said. However, as I stand before honourable senators today, I feel like I have been a student for the last 25 years. Fundamentally, I believe that is what each of us must be, as senators. We must have a love of learning and a desire to engage with people and the world around us. We must constantly grow and change, all the while remaining cautious and curious, respectful and thoughtful.

My career as a parliamentarian is one I have relished and savoured. It has been a supreme honour and a privilege to serve my community and the people of Canada in this way. Indeed, it has been the highlight of my professional life to serve alongside so many deeply committed and caring Canadians, and I thank honourable senators for that.

• (1420)

As we all know, no one person can do it alone. I know that I certainly would not have been here without the love and support of my family. I want to thank my husband, Jim, who is in the gallery, for always being there.

Hon. Senators: Hear, hear!

Senator Cochrane: He was always there for me, willing to drop his commitments and interests to pick me up at the airport at all hours of the day and night, driving an hour and a half each way just so that I could come home.

I would also like to thank my six children and 12 grandchildren. Some are here today with us. In the gallery with Jim are our daughters, Denise and Rhonda; our sons, Jim and Mike; Rhonda's partner, Seldon; and our granddaughters. We have Kayla and Hollie from St. John's, Newfoundland, and we have Madison from Prince Edward Island. I would also like to thank my Ottawa girls — my staff — for their loyalty and their dedication. I thank Elissar Kourie, my recent assistant, my long-serving policy adviser, Nicole Power, and my former executive assistant, Jeanette Downey, as well as the others who have worked in my office over the years.

Finally, I would like to extend my gratitude to all of the staff who work in the Senate administration. Oftentimes these are the people who are behind the scenes and do not always get the recognition

they deserve. To the members of the Protective Service, the cleaners, the drivers, the mail clerks, the parliamentary reporters, interpreters and everyone in between, I say this: Not only is your work crucial to the success of everything that we do here, but you help to make this a terrific place to work. I thank you for that.

In closing, honourable senators, I would like to leave you with a quote. This is my teaching career coming out. I believe this has a powerful message for us all. It comes from my favourite saint, St. Anthony. He said: "Actions speak louder than words. Let your words teach and your actions speak."

Honourable senators, may we all continue to improve the lives of our families, our communities and our beloved Canada with our words and our actions.

Hon. Senators: Hear, hear!

[Translation]

BANFF WORLD MEDIA FESTIVAL

Hon. Maria Chaput: Honourable senators, on Monday, June 11, 2012, at the Banff World Media Festival, the series *La ruée vers l'or* won the Banff Francophone Grand Prize.

According to the press release I received:

The festival celebrates the very best in international content production in television and digital media. The Competition includes 21 genre-based categories and 5 interactive categories, and the Banff Francophone Grand Prize honours programs that are originally produced in the French language, from anywhere in the world.

La ruée vers l'or is produced by teams from Les Productions Rivard in Winnipeg and the Slalom Productions in Ottawa. The series was broadcast on TFO in 2011 and on TVA this spring.

I want to extend my sincere congratulations to both production teams. I want to sincerely thank Les Productions Rivard, from Winnipeg, Manitoba, for their excellent work. Thank you to producer and executive director, Louis Paquin, and congratulations to the entire team in Manitoba.

[English]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM PRESENTED

Hon. Hugh Segal, Chair of the Special Senate Committee on Anti-terrorism, presented the following report:

Tuesday, June 19, 2012 [Translation]

The Special Senate Committee on Anti-Terrorism has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill S-9, An Act to amend the Criminal Code, has, in obedience to the order of reference of Thursday, May 17, 2012, examined the said Bill and now reports the same with the following amendment:

Clause 5, page 4:

(a) Replace line 7 with the following:

“damage to property or the environment, makes a device or pos-”;

(b) Replace line 10 with the following:

“al or a device or commits an act against a”; and

(c) Replace line 19 with the following:

“device or commits an act against a nuclear”.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

HUGH SEGAL
Chair

(For text of observations, see today's Journals of the Senate, p. 1433.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Segal, report placed on the Orders of the Day for consideration two days hence.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC CONFERENCE OF THE ORGANIZATION
FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY,
MAY 12-14, 2012—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, respecting its participation at the Economic Conference of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Batumi, Georgia, from May 12 to 14, 2012.

QUESTION PERIOD

CANADIAN HERITAGE

LIBRARY AND ARCHIVES CANADA

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate.

I have carefully read the response to the oral question asked in the Senate on May 10, 2012, by Senator Claudette Tardif, regarding the National Archival Development Program, which was cancelled. As the minister mentions in response to the senator, Library and Archives Canada will adapt its services and technology and increase its digital services and programming to improve and expand access to Canada's documentary and cultural heritage, which is a commendable initiative.

Nonetheless, once again, the people in charge did not plan and reflect before cutting the program in question. How can we consider expanding access to a country's documentary heritage and in the same breath cancel the modest funding of the community groups that in fact contribute to building and providing content to our archives?

They are the ones who collect the documents, the writings, and the photos in their regions. How will they do that without any financial support? What will our archives amount to without the vital contribution of the documents that are collected in the regions?

• (1430)

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as was indicated last night, Library and Archives Canada has been provided the funding necessary to deliver on its mandate. Library and Archives Canada is an arm's-length organization. Any decisions made with regard to the dispensing of funds — the approval of programs, of course — is made by that agency and not directly by the government or the Minister of Canadian Heritage.

[Translation]

Senator Chaput: Honourable senators, does the federal government not have a leadership responsibility? Does it not have a responsibility to ensure that, when departments make budget cuts, it is not to the detriment of the smallest and most vulnerable?

For 26 years, 800 local and regional projects have received support through this fund, in amounts ranging from \$5,000 to \$50,000. Can the leader ask the minister to intervene with Library and Archives Canada to ensure that this fund is not subject to cuts?

[English]

Senator LeBreton: Honourable senators, as I have indicated many times in this place, there are various government departments and agencies. They are provided funding through the budgetary process. These organizations then have a responsibility to review all projects that are presented to them and ensure that approved projects receive proper funding.

It would be quite improper for any member of the government to interfere with the process of an arm's-length organization such as Library and Archives Canada. As I have indicated here before, many people would certainly be squawking a great deal if we were ever to do so.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question for the Leader of the Government in the Senate.

As Senator Chaput mentioned, the leader indicated yesterday that a written response to my question about the National Archival Development Program was tabled in the Senate last week.

However, I would like to point out that this response did not even mention the program in question. Instead, it spoke about a new age of technology, as Senator Chaput said, without taking into consideration the work required to make archival documents accessible. It is the local archives that find the documents in our communities and preserve and organize them to make the rich history of our country available online.

Why does Library and Archives Canada not consider this program to be fundamental when the government boasts that it promotes history?

[English]

Senator LeBreton: Honourable senators, again, it is the same with many programs that are funded over the years. Other programs receive funding and programs from the past do not receive funding. This is the normal course of events that takes place when funding envelopes are managed by arm's-length organizations such as Library and Archives Canada.

As Leader of the Government in the Senate, it is not for me to suggest that the government or any member of the government should intervene and influence the arm's-length process of any agency such as Library and Archives Canada, which has expanded its services through the new technology.

Again, I can only stress to the Honourable Senator Tardif, as I did to the Honourable Senator Chaput, that this organization has been provided the necessary funding to deliver on its mandate, and it is an arm's-length organization. It is up to the people

assessing applications to make decisions on behalf of their organizations and ensure that everyone gets a fair hearing. At the end of the day, this is a decision of these arm's-length organizations.

CBC/RADIO CANADA— NORTHERN AND REMOTE SERVICE

Hon. Marie-P. Charette-Poulin: Honourable senators, my question is also for the Leader of the Government in the Senate.

CBC Radio-Canada is struggling to deal with the devastating budget cuts recently announced by the Conservative government, in spite of an earlier promise by the Minister of Canadian Heritage himself to maintain or increase its funding. Our public broadcaster is facing dwindling financial support from this government. We know how important this public institution is to this country to keep us together on a daily basis.

Would the Leader of the Government in the Senate please advise us as to how these cuts will affect our northern services and our regional communities that rely so heavily on the services of CBC Radio-Canada?

Hon. Marjory LeBreton (Leader of the Government): Again, honourable senators, the answer is similar to the answer that I gave to the Honourable Senators Chaput and Tardif.

The CBC receives an incredible sum of money every year from the Canadian taxpayer — almost \$1 billion.

An Hon. Senator: Too much.

Senator LeBreton: Everyone in the government, including the CBC, must do their part in managing their expenditures. Of course, the CBC, within its \$1-billion envelope, has the necessary funds to implement their plans for the year 2015. Far be it from you or me to suggest to the CBC the best manner in which they dispense with the \$1 billion. However, they have adequate funds to provide the necessary services that they provide to Canadians. Obviously, again, they are an arm's-length organization, and the decisions there are not the government's.

[Translation]

Senator Charette-Poulin: Honourable senators, when we look at CBC Radio-Canada's organization chart, we see that about 17 different companies — almost 20 — come under the umbrella of this government institution. We cannot say that \$1 billion is not enough or too much; the country that this institution serves is simply immense, as the minister is well aware.

One of the services shown on the organizational chart is Radio-Canada International. For years, Radio-Canada International has been Canada's voice on the airwaves throughout the world. Just this weekend, we learned in the newspapers that, from now on, Radio-Canada International will be offering services only via the Internet because its budget alone has been cut from \$12.3 million to \$2.3 million.

Can the minister tell us how we will replace Canada's voice that goes out to the entire world?

[English]

Senator LeBreton: Honourable senators, obviously this was a decision made by the CBC. It is fair to say that Canadians from around the world rely on the Internet and not shortwave for their information. This was a decision made by the CBC and, again, \$1 billion is a lot of money.

Honourable senators, it is a little hard for me to stand here and listen to the Honourable Senator Charette-Poulin when her own government cut CBC funding by \$414 million, which cost 4,000 jobs. The Minister of Canadian Heritage indicated he would always ensure funding for the CBC; to the tune of \$1 billion a year, I think he has kept his word.

• (1440)

CBC/RADIO CANADA—
RADIO CANADA INTERNATIONAL

Hon. Hugh Segal: Honourable senators, my question is for the Leader of the Government in the Senate, accepting her point that the CBC board makes its own independent decisions. In my view, the board made the utterly reprehensible decision to remove Radio Canada International from the airwaves. This means that in those parts of the world where the Internet is blocked, such as the People's Republic of China, Iran and North Korea, there is no way for RCI's messages of freedom and opportunity to get there. I do not blame the government for this; I blame the board of the Canadian Broadcasting Corporation and its senior management, who cut far away from home rather than cutting here because it was more convenient for them to do so.

Can the minister advise honourable senators how that board can be summoned before the bar of the Senate to answer for those decisions?

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government): The honourable senator quite rightly states that this does not fall within my purview as Leader of the Government in the Senate. However, I am very happy to ensure that the honourable senator's comments in the chamber today will be forwarded to CBC's board of directors.

Hon. Terry M. Mercer: Who appointed that board?

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I was caught up as always in Senator Segal's oratory. Would the minister know who appointed that reprehensible group to the board of directors of the CBC?

Senator LeBreton: Honourable senators, I am not familiar with the present board of the CBC. Some members of the board are order-in-council appointments made on the recommendation of the Minister of Canadian Heritage and I believe some are recommended by industry. Senator Downe can say because he has had experience in this area.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Francis William Mahovlich: Honourable senators, my question is for the Leader of the Government in the Senate.

The other day I was on Sparks Street, where I happened to go into a poster shop to buy some ancient maps. As I was leaving, the proprietor called to me and asked, "Why are we spending all that money on those F-35s?" I said, "Well, I will ask the Leader of the Government in the Senate."

Why are we spending all this money and whom do we fear?

An Hon. Senator: Do you not know why?

Senator Mahovlich: The only fears we have are the polar bears; and Senator Patterson can tell you about that. Also, the F-35s cannot get under the polar bears' radar. Honourable senators will remember the tsunami. The animals were up on high ground when the tsunami hit, but the human beings were standing there in two feet of water scratching their heads wondering how the animals figured it out. It is a God-given thing; they have the instinct. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in all seriousness, at the end of the day everyone in this country supports the fact that our military requires proper equipment.

Obviously, the CF-18s are reaching the end of their life. Anyone who suggests that there is no need for new fighter aircraft obviously did not see the importance of Canada in Kosovo, in Libya and in Afghanistan. Anyone who would suggest that we do not need fighter aircraft would not have supported the Spitfires, Hurricanes and Lancasters in the Second World War.

What polar bears have to do with all of this, I do not know. However, it is obvious that we need surveillance aircraft because we have a vast northern frontier; and our northern sovereignty is very important to Canadians. I think the honourable senator would agree, upon reflection, that it is necessary for the government and the public to wholeheartedly support providing the proper equipment to our Armed Forces.

PUBLIC WORKS AND GOVERNMENT SERVICES

NATIONAL FIGHTER PROCUREMENT SECRETARIAT

Hon. Francis William Mahovlich: The government could not tell Canadians when its next-generation fighter-jet secretariat will be up and running. Despite what the Minister of Public Works told the House of Commons, it could not say who or what body will be independently verifying fresh costing figures for the F-35 fighter jet. The government also could not say when that costing data would be available to Parliament.

The Minister of Public Works and Government Services Canada, Rona Ambrose, told the House of Commons on Tuesday that the government would not table cost estimates

from the Department of National Defence in the house until they are independently validated and verified and that they will ensure that they get those numbers right. However, the government was unable to say later who or what body would do the verification. The Minister of National Defence, Peter MacKay, told reporters after Question Period that he was not sure and that they would have to ask Minister Ambrose. However, Minister Ambrose's office said that the answer would come only when the new fighter-jet secretariat, established within Public Works to oversee the procurement process, was up and running.

To get off the ground, the secretariat needs to establish its terms of reference, which will dictate how it will operate and what it will do. When will those terms of reference be finalized?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the government is responding to the Auditor General's report on the F-35s. The government put forward a seven-point plan, including the secretariat, which is now operational. I note that no contracts have been signed to purchase the aircraft. In the interest of the taxpayers, as indicated by Minister Ambrose, the secretariat will look at the full scope. The independent review will not be denied any information that is already out there. Of course, there is a lot of misinformation that they will have to wade through.

The purpose of the independent review is to validate the Canadian cost estimates, not to be confused with figures that are floating around in the media from the United States. The arm's-length secretariat will ensure due diligence, oversight and transparency and will be informed by the independent advice of the former Auditor General, Denis Desautels.

Honourable senators, in the interests of the taxpayer, the government will not purchase new fighter aircraft until it has received the conclusions of the new secretariat. All costs will be independently validated.

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP

Hon. Robert W. Peterson: Honourable senators, my question is to the Leader of the Government in the Senate.

The Prime Minister announced that Canada will be entering the Trans-Pacific Partnership. We were probably forced to make some concessions to get this deal. Could the leader confirm that supply management is not a casualty of this deal?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, since taking office, the government has negotiated several free trade agreements with several countries around the world — a record number of free trade agreements. Supply management has not been affected by any of those trade agreements signed by the government. As I have said to the honourable senator before in this place, it is important that Canada be at the table; and I am delighted by the announcement

today. However, the government will negotiate and will not sign anything that is not in the interest of all sectors of the Canadian economy.

• (1450)

Senator Peterson: Honourable senators, I was not referring to previous deals; I was referring to this deal, the Trans-Pacific Partnership. The leader has confirmed that it was not a casualty of that.

It should also be noted that the Prime Minister's Chief of Staff negotiated this deal and not the Minister of International Trade. In view of this, can the leader guarantee that there will be accountability to Parliament and Canadians on this important file that will affect the way Canada does international business?

Senator LeBreton: Honourable senators, I was bemused by the media speculation about the involvement of the Chief of Staff to the Prime Minister.

This government operates as a team. Minister Fast has done some excellent work on behalf of the government. All ministers do. However, to suggest that Percy Downe, when he was Chief of Staff to Prime Minister Jean Chrétien, was not involved in any files would be like suggesting that Derek Burney, when he was Chief of Staff for Prime Minister Brian Mulroney, would somehow or other have had to remove himself from being part of the team and working on behalf of the government. That is a ludicrous story and a ludicrous suggestion.

Again, the Prime Minister has just announced our participation in TPP. I reiterate that Canada and our negotiators will negotiate and will not agree to any agreement that is not in the interests of all of Canada.

Senator Peterson: Honourable senators, the Chief of Staff was there and negotiated this deal. Can the leader confirm if the minister was present when this deal was negotiated?

Senator LeBreton: Frankly, honourable senators, I do not know who was there, and nor does the honourable senator. We are just relying on media stories.

The fact is that all members of the government, all of the ministers and, I am sure, the various chiefs of staff participate in these discussions. The question is just based on a news story. Why would any Prime Minister's Chief of Staff, whether it was Percy Downe under Mr. Chrétien or Derek Burney under Mr. Mulroney, not be working on the file? It does not make any sense to suggest that they would not be.

Senator Angus: Are you working on the file?

Hon. Percy E. Downe: No, not today.

Honourable senators, could the Leader of the Government in the Senate confirm the reports today that all the member countries have to approve Canada's participation? If New Zealand requests, for example, that supply management be on the table, what would the position of the Government of Canada be? Would we agree to that, or would we conclude negotiations at that point?

Senator LeBreton: Honourable senators, the announcement was just made. Obviously it is in Canada's interest to be at the table. I can just imagine what the honourable senator would be saying if Canada were not invited to the table.

The announcement just came out. Let us give it a little time to get all of the details. Of course, all countries, including New Zealand, have been part of the agreement. I would think — although I am not absolutely sure — in order for Canada to be invited to participate. I will be happy, honourable senators, to provide further information as to what the announcement the Prime Minister made in Los Cabos today actually entailed.

Senator Downe: Thank you. I look forward to receiving that information. It will save me writing a long written question in the Senate.

PARLIAMENT OF CANADA

SENATORS' EMAIL INFORMATION ON PARLIAMENTARY WEBSITE

Hon. Terry M. Mercer: Honourable senators, I had a disturbing inquiry this afternoon that I hope is inaccurate. It appears that, if one were to go to the Parliament of Canada website today, one would find that the email addresses of all of us here in this chamber have been removed from the Parliament of Canada website. I find that curious. I do not want to attribute that there is any wrongdoing going on here, but it seems rather ironic. These next two weeks are critical in our debates of major issues such as the budget and other bills that the government has determined are a priority.

I would ask that the Leader of the Government in the Senate — and I do not expect her to have the answer right now — perhaps could go away and come back to report to us at a future time as to why our email addresses have been removed from that website when it is a critical time and Canadians do want to contact us and, indeed, have been contacting us and expressing their outrage at certain parts of the budget implementation bill.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank the Honourable Senator Mercer for that question. Far be it for me to give a lesson on how Parliament is established. Parliament is a legislative body. I, as the Leader of the Government in the Senate, have absolutely nothing to do with the actions of the Parliament of Canada, other than I am a member of Parliament, a senator.

I would suggest that the honourable senator address his inquiry to the Speakers of both Houses and perhaps the Clerks of both Houses. I have no idea why this would be so. I know I am getting emails. Somehow or other my email is still up and operating. I would suggest that the Honourable Senator Mercer address this question to the proper authorities.

Senator Mercer: Honourable senators, as the leader knows, when I stand up in Question Period, I am allowed to ask questions of the minister of the Crown, and she happens to be the only Minister of the Crown here.

However, I do see that the Speaker is in his seat and the Clerk was in his seat when I asked the initial question. Via asking my question of the leader, I have raised the issue for all of us to be concerned, and I am sure that either the Speaker or the Clerk will be getting back to us at the appropriate time.

Senator LeBreton: I thank the honourable senator. As a Minister of the Crown, I will simply ask that the Speaker and the Clerk to take note of the matter that has been raised in this chamber. I would be as curious as the honourable senator is as to what the answer is.

ORDERS OF THE DAY

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— REPORT OF COMMITTEE OF THE WHOLE— MOTION IN AMENDMENT

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Eaton, for the adoption of the first report of the Committee of the Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012;

And on the motion in amendment of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall, that the report be not now adopted but that it be amended

(a) by adding the following new recommendation number 4:

“4. Replace the French text of rule 4-11(3), at page 42 of the First Appendix of the report (page 458 of the *Journals of the Senate*), with the following:

“Rappels au Règlement et questions de privilège non permis au cours des affaires courantes et la période des questions

4-11. (3) Les rappels au Règlement et les questions de privilège sont irrecevables au cours des affaires courantes et de la période des questions.”; and

(b) by renumbering current recommendations 4 to 16 in the report as recommendations 5 to 17.

Hon. Anne C. Cools: Honourable senators, I rise to speak to you today on Senator Carignan's amendment. Today, in a special way, I want to honour all of those members of Parliament and senators who have worked so hard over the years in this place, but

in particular those who were broken or damaged or wounded or injured by the proceedings in the houses. I shall tell you why as I come to it later on.

In particular, as I have been working on these notes for the last few days, two men came to mind. I would like to say a bit about those men, very little. One was Senator Charbonneau, who was the Speaker of the Senate during the GST debates; the other was the Right Honourable Brian Mulroney, who was the Prime Minister at that time. I have had the distinct pleasure of knowing both of those men and knowing that both of them were very fine gentlemen. It is no secret here that when conflict arose between Mr. Mulroney and the then Minister of Justice Allan Rock, that I rose here in the Senate as a Liberal senator and made a speech about it.

• (1500)

I was one of the few members who would even touch the issue. I was thinking a few weeks ago, as I attended the Speaker's annual remembrance of members ceremony, what a wonderful thing he was doing to honour so many past members. I thought that we should one day do something in honour of Mr. Mulroney.

This is just a passing thought. Many would say, and have said, much about Mr. Mulroney. However, this record has shown on more than one occasion that my personal opinion has always been that perhaps Mr. Mulroney has done some foolish things in his life, but I have never doubted for a moment that he committed no crime. I would like to say that because it is very important.

The second man is Senator Charbonneau, who was the Senate Speaker during the GST debates. I took a lot of persecution at the time, honourable senators, from the Liberal caucus for daring to raise these names and speak about them in this place.

I speak about Senator Charbonneau because I want to particularly speak to Senator Tardif's invocation of the GST debates. I am sure that all senators know that I was an active player in those debates. The anger and the rage at Senator Charbonneau took years to subside in this place. However, when the Liberals eventually regained power in 1993, there were vigorous debates in the Liberal caucus, and those who wanted to abandon the pursuit to destruction of Senator Charbonneau prevailed.

I would also like to say to honourable senators that during those exchanges, the names of two Conservative senators came up frequently — one is still serving in this place and one recently retired — in those basically secret caucus discussions. Those two names were Senator Lowell Murray and Senator Marjory LeBreton. This is the kind of thing one may only read in memoirs, but I just wanted to say to honourable senators that there is not any senator who went through those GST debates that was not damaged in the process.

Honourable senators, recently I have been talking about our parliamentary privileges; well, when a house wants to take a decision using its privileges to pursue a man to destruction, it is a deadly and serious matter, and I am glad that we did not. I am prepared to say that after all these years that Senator Charbonneau was a fine man, a nice man, a kind man and a veteran. He served in World War II. He served Canada. I saw him totally destroyed because he took advice, not from seasoned

practitioners experienced on the floor of this house but from lawyers. He had several of them; he told me that himself. I want to remind honourable senators that the art of politics is really the art of managing human relations in respect of ideas and decisions. This subject has been on my mind a little while so I wanted to say this. I shall proceed; it took more time than I thought.

What did you say, Senator Stratton?

Senator Stratton: Well done, keep going.

Senator Cools: Thank you.

Honourable senators, on June 12 last, in her remarks responding to my assertions that rule 59(10) has been totally repealed and that the new rules will enlarge the Senate Speaker's powers and privileges in respect of his granting permission to other senators to speak, Senator Tardif invoked the GST debates. I would like to read from her speech and then I will let the record speak for itself.

Honourable senators, in her speech Senator Tardif identified me by name twice. I shall show that her statements are totally specious, and far from defeating mine, they, in fact, prove my assertions.

At page 2080 of Senate Debates she began:

Honourable senators . . . in the amendment that I put forward I have taken into consideration the last amendment that Senator Cools presented . . . The amendment that I proposed . . . does . . . preserve the rights of senators to raise questions of privilege without notice. That is already in the amendment before you . . .

My amendment was to preserve the ancient privilege of senators to move a motion for a question of privilege with no notice for that. We have to understand, honourable senators, that this no notice motion for a question of privilege is not the same as no notice for a *prima facie* ruling of the Senate Speaker. They are two different animals. I shall try for the last time to explain.

Honourable senators, seeking a *prima facie* ruling from a Senate Speaker with or without notice — it does not matter — is a situation where there is no debate. There is no question or motion before the house. It is a private process in which senators are supplicants, mendicants to a Senate Speaker in a private dyadic conversation; an exchange. The supplicant prays that the Senate Speaker will rule *prima facie*. At this time, there is no question of privilege before the house and there is no motion before the house.

Honourable senators, a question of privilege is only before the house when a motion so moved and duly seconded is moved by a senator. There has not been a debate in this Senate on a question of privilege for years. There has not been one, and it has been so long that senators have forgotten what a question of privilege is. It is not a complaint; it is not a private exchange between a good Senate Speaker and senators. It is a situation where the individual senator, by virtue of ancient privileges, moves a motion without notice directly to the house to engage all senators in debate without the Senate Speaker.

There is much confusion, honourable senators, about the term “prima facie.” The term prima facie used to be used alongside of the term “bona fide” — and I am speaking without my notes — in all the old debates. Prima facie has always meant that the member’s, the complainant’s matter must affect the Senate or senators. It must also be recently or suddenly arising, and it must need urgent and immediate Senate interposition, meaning a motion.

Honourable senators will find the term “prima facie” used; lawyers use it all the time, members and senators used to use it all the time. Prima facie — or proof, in other words — is genuine proof that those three things, once they are there, are proof that a matter of privilege is involved. At some point in time, this prima facie concept was transformed into a need for a Speaker’s ruling, which is what Senator Robertson did. However, let us understand that the process created was very new to the Senate in 1991, and it still remains very new.

• (1510)

In that Senate prima facie process, Your Honour, no motion is before the house until or if the Speaker makes a finding. At that point then, the senator complaining sheds his role as a supplicant, repossesses his full and ancient privileges as a member of Parliament by rule 59(10), and moves a motion with no notice. Remember, honourable senators, every question must begin and originate in a motion. At that point, a question is before the Senate.

That is the last time I will try to explain this.

Let us understand, honourable senators, that these new rules are repealing rule 59(10) and that motion is the single most important motion for the Senate to defend itself or to defend its members. It is a power that every high court has — the power to defend itself — because it is that power that creates Senate independence.

I will move rapidly now. In the same vein, I want to quote Senator Tardif. She said:

I wanted as well to make a few points regarding Senator Cools’ statements . . . However, in regard to her comment that it appears we are giving the Speaker greater privileges and a greater role, I have had the opportunity to look at the *Debates of the Senate* relating to the amendment that we have moved on questions of privilege.

A careful examination of the Senate Debates, even prior to 1991, shows that senators had a general expectation that the Speaker would have an important role to play when serious questions of privilege were raised. That was even the case under . . . the old rule 33 and the old rule 46 which indicated an expectation that the Speaker would rule and establish a prima facie case of privilege.

She then went on, honourable senators, to quote two senators, Senator Frith and Senator MacEachen, both of whom I knew very, very well — I could say I was very close to them. She quoted Senator Frith saying on September 25, 1990, during the GST debates, on page 2239:

. . . Your Honour has a duty to decide when you have heard enough on this point of privilege to make up your mind as to whether a *prima facie* case is made.

She quoted Senator MacEachen saying something similar. Then, she turned around and, speaking about them, she said on page 2080:

. . . in view of what was said by these distinguished parliamentarians more than 20 years ago, I think we can see that there was an expectation with regard to how questions of privilege have traditionally been dealt with in the Senate, particularly the view that the Speaker does have a role to play in a decision about whether a prima facie case has been made.

It is true. If honourable senators go through all the old debates, you will find senators and members in the other place as well using that term “prima facie,” but it was never referring to a ruling of the Speaker pursuant to a rule or an order of either house. This is not that subtle a thing to understand, but it is an important matter.

When Senator Tardif moved into the GST, I want honourable senators to know she has —

The Hon. the Speaker: An additional 15 minutes are granted to the honourable senator.

Senator Cools: Thank you.

Senator Tardif traversed into very serious territory. It was my intention to show that her statements are misinterpretations and misunderstandings, and actually create misleading thoughts in the minds of senators listening.

Honourable senators, I will fast-track and let Senator Frith answer Senator Tardif’s specious words.

Honourable senators, let us fast-forward. Remember Senate Speaker Senator Charbonneau had assumed unto himself this new power of ruling prima facie raised by Senator Ottenheimer. Conservative senators were running willy-nilly with questions of privilege day after day after day. Senator Charbonneau would not rule prima facie, so those statements from Senators Frith and MacEachen were trying to get him to rule.

Finally, Senator Frith sheds all that. I shall read what he had to say at page 2312 of Senate Debates on October 3 to answer Senator Tardif. One must understand the atmosphere. In a filibuster like that, it is an art as to who can get the floor, because whoever gets the floor has the microphone. At that time, Senator Frith got the floor and holding it stated the following:

Rule 33 says the following:

When a matter or question directly concerning the privileges of the Senate, of any committee thereof, or of any senator, has arisen, . . . a motion calling upon the Senate to take action thereon may be moved without notice and, until decided, shall, unless the debate be adjourned, suspend the consideration of other motions and of the Orders of the Day.

He added:

That does not say, “or if the Speaker finds a *prima facie* case . . .

In my submission, that is the rule governing the procedure for points and questions of privilege in the Senate. The whole concept of a role for the Speaker is foreign to this place and is a role that takes place in the other House. It is clear that the Rules Committee has decided, and the Senate has agreed and has had it as part of its rules for a long time, that questions of privilege are dealt with in the Senate in accordance with Rule 33. They are dealt with by senators and I do not believe that the Speaker should be called upon to talk about *prima facie* cases, as he is called upon in the House of Commons and in some other legislatures. . . . The Senate has dealt with these situations not through Beauchesne, not through anybody else's customs, but through our own black and white rules.

Honourable senators, I was there, shoulder to shoulder with these men, these Liberal senators. As a matter of fact, these two chose me personally to be a part of the Senate Banking Committee, bringing in the report to the Senate on September 25. That is what caused the filibuster, because the Conservative senators were then trying to block the report from being moved, presented or debated because they were trying to give Prime Minister Mulroney time to get 23 senators appointed to the Senate, including the eight divisionals under the British North America Act, 1867, section 26.

I am speaking without making any judgments today, because I went through this, and honourable senators have never seen in their lives anyone keep members in their seats like Prime Minister Brian Mulroney did. Honourable senators have never seen anyone loved by his followers like Mr. Brian Mulroney was. His senators were in their seats like glue. This is to be admired and respected. As a Liberal, I disagreed, but I respected them. I respected them.

To come to my conclusion, Senator Charbonneau believed that he was helping his side and his prime minister. He joined the filibuster and used that *prima facie* power not to rule. As Conservative senator after Conservative senator rose with questions of privilege he would not rule.

Honourable senators, I come to a conclusion. I have had to abandon most of what I had to say. These matters are far more complex than we understand.

However, I want to tell honourable senators that by October 4, Senator Charbonneau had locked Liberal senators out of the chamber. He took the authority himself to stop the division bells from ringing. It was a sad thing — a terrible thing. Even now, I can still feel a lot of sorrow about it. He even called in Senate security to police senators.

Let us understand, honourable senators, right or wrong, both sides thought they were right. Both sides felt very committed and I respect all those senators. That is why, Senator LeBreton, your

pleasant nature and name came up as many Liberal senators wanted to abandon that nasty hunt for Senator Charbonneau. I am very glad that we did, but he did not leave this place a happy man.

• (1520)

I would like to close by quoting Liberal Senator Frith from October 4, after Liberal senators were locked out from the 5:30 p.m. vote. Maybe one of these days I will write about it; I do not know. There is so much.

Senator Frith said, on page 2345, talking about Senator Charbonneau:

Let us make it clear. Let us have no misunderstanding about this. There is no limit whatever to the powers of Senator Charbonneau as he sees them. So that no matter what happens in here now, there is no point in raising a point of order. What is to stop them if the rules do not apply? The very rules that are supposed to be here to protect us he totally ignores!

The Hon. the Speaker: I regret to advise the honourable senator that the 15 minutes and the extra 5 minutes have been exhausted.

Continuing debate?

Some Hon. Senators: Question.

The Hon. the Speaker: Are honourable senators ready for the question? It was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Eaton:

That the first report of the Committee of the Whole be adopted and, on a motion in amendment of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall, that the report not now be adopted but that it be amended

(a) by adding the following new recommendation number 4:

Shall I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment by Honourable Senator Carignan, seconded by the Honourable Senator Marshall.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, now the question before the house is the motion as amended.

Are you ready for the question?

Hon. Senators: Question.

MOTION IN AMENDMENT

Hon. Anne C. Cools: Honourable senators, I wish to speak to the main motion. I would like to move an amendment to the main motion if I could just give the pages a moment to distribute that.

The Hon. the Speaker: I would ask the pages not to distribute the document until we have a motion.

Senator Cools: Honourable senators, I move:

That the motion for the adoption of the First Report of the Committee of the Whole be not now adopted, but that it be amended, by deleting all the words after the word "That" and substituting the following therefore:

"the Senate declines to proceed with further consideration of the First Report of the Committee of the Whole (First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments), presented in the Senate on June 13, 2012, and the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, (Revised Rules of the Senate), presented in the Senate on November 16, 2011, for the reasons that:

(a) the motion is inconsistent with the law and custom of Parliament and would have considerable impact on the privileges of the Senate and those of all Senators;

(b) the motion arises from actions in excess of the delegated authority of the Standing Committee on Rules, Procedures and the Rights of Parliament, under subparagraph 86(1)(d)(i) of the *Rules*, since the substantive changes in the mass repeal and replacement of all the *Rules of the Senate* were made by a committee that met primarily *in camera*, while empowered only to propose amendments to the *Rules of the Senate* from time to time on its own initiative, whereas the repeal and replacement of all the *Rules of the Senate* cannot be such an amendment to the *Rules of the Senate* and are therefore a departure from the Committee's custodial responsibility to the Senate and all Senators; and

(c) the Committee of the Whole did not proceed in a flexible and appropriate manner to ensure due consultation of all Senators before being asked to decide on the work itself, and thereby failed to address the concerns raised by the Speaker's Ruling of April 25, 2012, specifically, whether the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament was too far-reaching and exceeded the Committee's authority."

Honourable senators, my seconder is Senator Mitchell.

The Hon. the Speaker: It is moved by Senator Cools, seconded by Senator Mitchell, that the motion for the adoption of the first report — shall I dispense?

Senator Carignan: Dispense.

Senator Joyal: Dispense.

The Hon. the Speaker: We have a question before the house. On debate, Senator Cools.

Senator Cools: I will be very brief, honourable senators. I will go to the first question, which I have spoken enough on so that I can be very brief. Our Senate rules that have come to us are an entailed inheritance, a patrimony from the pre-Confederation legislative assemblies and councils and from our forefathers. Many of our rules were given under the hand and scripted by those forefathers themselves.

On the question of the Rules Committee exceeding its delegated authority, I deeply regret that the Committee of the Whole did not see fit to consider this matter. Senator Tardif's preoccupation was that senators have an expectation for the important role of the Senate Speaker in *prima facie* rulings on privilege. I would also say that senators would have a general expectation that the Speaker's ruling would have been taken seriously and attended to in the Committee of the Whole.

Honourable senators, I would move on to the other point because the question as to whether or not the Rules Committee exercised proper authority in bringing forward these rules remains open and unanswered. I think that that is undesirable. Perhaps I could put one quotation from Senate Speaker Senator Noël Kinsella's ruling on the record very quickly. I shall quote from Senate Debates of April 25, page 1682:

The finding is that there could be a procedural issue involved here.

It continues:

The consideration of matters in Committee of the Whole is more flexible and appropriate to fully explore and debate these proposals that are before us than the restrictive nature of the formal debate in the Senate itself. This suggestion would serve the dual purpose of providing all honourable senators with an opportunity to clarify the purposes and principles behind the work of the report and express themselves on it before being asked to decide on the work itself.

Honourable senators, at no time was any question before the Committee of the Whole other than the decision on the rules themselves.

The second part of my motion addresses the question of the delegated authority. I would like to cite Jowitt's *Dictionary of English Law* on the subject of delegated authority. I have already placed references on the record here that a committee cannot delegated its own authority, its mandate. However, I would like to record here Mr. Jowitt, a very distinguished mind of a long time ago. He cites in Latin. I know that some honourable senators do not want to hear Latin anymore. I do not know how I shall say "Magna Carta"; I really do not know. I see Senator Smith shrugging, but the legal principles have always been expressed in Latin: *delegata potestas non potest delegari* — a delegated power cannot be delegated. The Speaker's concerns remain unanswered, honourable senators, whether or not the Rules Committee

exceeded its authority in bringing forth its First Report. It would have been nicer and cleaner if the Senate Speaker's questions had been addressed and clearly answered.

Honourable senators, I would like to move now, very quickly, to some very unusual oddities that have happened with this report. The first one, I would like to say that, if it stays as a practice, will create great grief and chaos in this place, especially for the government. In particular, I speak of the fact that Senator Carignan simply assumes sponsorship, ownership of the Rules Committee Chairman Senator Smith's motion and Senator Smith's committee report. This is strictly forbidden, under the whole notion of law, which is called coexisting motions or coexisting questions. The proper way to deal with any situation like that is for one motion to be cleared away before the second motion on the matter can be moved — not after, but before. I have often cited here the October 2, 2001 precedent of Senator Lynch-Staunton and Senator Carstairs on the Royal Assent bill, Bill S-34.

• (1530)

I hope honourable senators now understand that the problem is this: If Senator Carignan's actions stand as a precedent, any day now any two senators can go through the entire Order Paper and simply take over, take ownership of other senators' motions without the authority of the house. I do not know what the limit is because, theoretically, then the other senator could take it back. Since these motions are duly put and seconded, they would be before the house and in possession of the house. I think at some point in time this action should be brought forward to ensure that this action is not a precedent. Thus, it will not hurt the government's or any other private member's motion later on.

Another unusual practice is that it is quite novel for two reports to be the subject of any one motion. Again, the same concept, no coexistence of motions. The Senate presently has an odd situation here where this one motion before us is adopting two reports from two different committees. It is also odd because Senator Kinsella's suggestion, had it been dealt with, would never have created this problem because the Committee of the Whole would have been asked only to study the single question as to whether or not there was an excess of authority by the Rules Committee. However, I put a question to honourable senators: Can we have two bills in one report? Can we have three bills? Here we have two reports in one motion. What is the limit? Can we do ten? Can a committee decide that there are four bills before it and that it will report all four with one report all by one motion, is this an omnibus report?

Honourable senators, there are strict constitutional rules to protect the individual interests of every single senator in every single motion moved in this place — what Mr. Bourinot used to call the "single voice" of the individual senator.

The final thing that I want to raise is that this report — again, another oddity — had three different sponsors in its life in the Senate. I have always understood, and I think I may have said this before, that committee chairmen simply cannot abandon the defence and explanation of their reports as occurred here with the Rules Committee chairman. Such abandonment is considered to be a disavowal of the report and a hint or signal to cease and desist from its consideration.

Honourable senators, some of these questions remain quite muddled and unclear. I can say that the Senate has never expected that one Senate committee should review the conclusions of another Senate committee, because no Senate committee is supposed to act as an appeal on another Senate committee's findings. It is a different proposition if the Senate wants a particular question answered like a point of law, as in the case of Senator Kinsella's ruling. That question alone may be referred to another committee, or its subject matter. The Senate does not take kindly to having its reports of its Senate committees readopted or not readopted in other Senate committees because the notion is that every single senator here has equal privileges. Even the Senate Speaker is one among equals, having no more privileges than any others. No senator can sit in appeal over the findings of another senator.

Honourable senators, the Senate is not in the habit of asking one of its committee to do an appeal on another committee. Had this Committee of the Whole proceeded differently, this dilemma would never have arisen. Even now, as we are about to vote on two reports, if they had been considered individually, if the Committee of the Whole's report had been considered and voted on and then the Rules Committee report had come forward for a different vote, it would be a different proposition.

Now I know, honourable senators, that in today's climate it is easy to dismiss a lot of these questions and to be thought of as some kind of legalistic nitpicker. I would submit that the only thing that ever stands between civility and chaos are our rules. Those of us who saw that during the GST debate understand that too well. There are not many of us left. We understand what can arise when rules are usurped.

Honourable senators, there is something very wrong when a measure begins here and its proponents will accept very little change. If they accept change, it is from one of them, their group. Well, you could call it parliamentary apartheid, if you want; however, I believe it is wrong. It is very wrong. I will say more than that. A lot of these practices are unconscionable.

I thank honourable senators. I stand by what I have said. It is a sad day that Senator Tardif went to the GST debates — a sad, terrible day. In addition, it also establishes the current problem of the day, namely that political party leadership will not stay close to the ideas and the principles of their previous leaders. It was Senator Tardif's duty to uphold Liberal leaders Senator Frith and Senator MacEachen because on whichever side senators were fighting they were equally convinced that they were right. I have had many conversations with many of the big players in the GST debates.

Honourable senators, in a way, I have said what I wanted to say, but I am deeply sorry that Senator Tardif brought up the GST debates. This Rules Committee report is a proposition of a few senators that began as a proposition from a Senate staffer. I sincerely believe that you could win the arguments on reason and law rather than force. I recommend it to you. Reasoned argument is a solid base upon which to stand.

Honourable senators, I cite as my authorities no other than the giants of this country. I am old enough to know people who knew some of them. I knew people who knew people who knew Sir John A. Macdonald. I knew people who knew people who

knew Sir Wilfrid Laurier. At one point, Mackenzie King had a government leader in this place named George McIlraith. He is dead now; I went to his funeral. Every time he was in town, after coming back from Florida, he was in my office. He would always give me great advice, such as what Mr. King said, and he would tell me to go to a particular debate in a particular year. I am close to the history of this country.

Honourable senators, I call you “colleagues.” You can always win because you have the numbers but it would be nice to win the argument. It would have been very easy for you to hear my single voice, which you did not. You may vote me down. I have nothing in this place but the record. I will always use it.

Honourable senators, thank you very much. I will say “bonne chance.” I live near the river. When you see an individual on a boat headed towards shoals and dangerous waters you say, “Don’t go there. Stop!” They keep on going. “Don’t go there. Stop!” They keep on going. There comes a point when you have to say, “Bon voyage, bonne chance.” Your new rules will bite you so badly you will not even know what is happening.

• (1540)

I will tell you something: You are young, Senator Carignan, and being in opposition seems far away to you. I swear to God that I have seen senators come and go. I love you dearly; I love you all. It is my nature. You could have given me that one rule, rule 59(10). You could have. Thank you so much.

The Hon. the Speaker: Further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Cools, seconded by the Honourable Senator Mitchell, that the motion for the adoption of the first report of the Committee of the Whole be not now adopted but that it be amended by deleting all the words after the word —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Shall I dispense? Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Senator Cools: On division. You should ask the others. You should really ask them.

The Hon. the Speaker: I will put the question formally. Those in favour of the motion, will please say “yea.”

Senator Cools: Yea.

The Hon. the Speaker: Those opposed to the motion, will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: The “nays” have it.

Senator Cools: On division.

The Hon. the Speaker: On division.

The question before the house is the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Eaton, as amended, for the adoption of the first report of the Committee of the Whole, as adopted.

Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Carried.

(Motion, as amended, agreed to and report adopted.)

POINT OF ORDER

Hon. Terry Stratton: Honourable senators, I would like to say a few words of thanks at the conclusion of this long, long journey that we have taken.

I would first like to thank the Speaker for coming up with a solution to the problem we had and allow the Committee of the Whole to deal with it, thereby allowing all senators to participate and gain a better understanding of what we are dealing with in rewriting the existing rules, trying desperately hard not to change rules. Changes came about, for the most part, in this chamber.

I would also like to thank all the senators in this chamber for their forbearance, understanding and patience with what has just taken place. It is critical for us at times to have that patience with a situation to properly and appropriately deal with it.

I would like to thank Senator Fraser and Senator Carignan for their work throughout this entire endeavor. Yes, I was the wagon master, but they dealt with the issues as they should be dealt with. As a result, we will all agree a couple of years from now that this was well worth doing.

I would also like to say a particular thank you to Mr. Charles Robert and Mr. Till Heyde for their work on this endeavor. Although Charles was behind this for quite a while, so was I from a long way back. Thank you, gentlemen, for that. Mr. Sebastien Spano, from the Library of Parliament, gave us sage advice throughout all of this; thank you, Sebastien.

I would like to thank Senator Cools for finally dealing with the last set of rules and how they came about. There was a very high level of passion as a result of the GST debate. As she stated clearly, everyone bore the scars of that event. Although I was not here, I recall it vividly while it was taking place.

For example, the committee reported on June 11, 1991. Remember that they were revising rules in 1991 that were first established in 1906. The committee tabled the report in the Senate on June 11 and on June 18 that same year the report was adopted by the Senate. On June 19 — the day after — the rule changes took effect.

Honourable senators have to agree that we have had a fulsome discussion and that we have allowed everyone, thanks to the Speaker, to have their input. It will take the summer, until September 15, for these rules that take effect on September 17, to allow the administration to appropriately deal with all of this. We have had a fulsome debate and I thank you all.

Hon. Joan Fraser: Honourable senators, I would draw to the Senate's attention that in Senator Stratton's excellent and heartfelt remarks, he omitted two names. The first was his own. He did wonderful and critical constructive work throughout this long procedure. The second was the name of former Speaker Molgat, our late colleague, who launched this whole process. I thought the record should show that, Your Honour.

The Hon. the Speaker: I will accept the Honourable Senator Stratton's intervention as a point of order under that rubric.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, earlier this afternoon a question was raised about web addresses, and inquiries have been made. I am able to advise the house that web addresses were never removed from the parliamentary website and that currently they are all up on the site.

[Translation]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I moved adjournment on this debate yesterday. I believe that honourable senators were ready and that Senator Dallaire was prepared to say a few words to wrap up debate on this inquiry.

Given the agreements made with members of the Special Committee on Anti-terrorism, I would like to withdraw my name from the list of speakers and enable this motion to proceed.

[English]

The Hon. the Speaker: Honourable senators, it is my obligation to advise the chamber that should Senator Dallaire speak, it will have the effect of closing the debate.

Hon. Roméo Antonius Dallaire: Honourable senators, that is my intent.

[Translation]

Honourable senators, thank you for allowing me to conclude this debate and thus be able to take action on this matter. I will be ready to give my presentation tomorrow.

Nevertheless, I would like to emphasize that the goal is for the Senate to call the government's attention to the fact that our country is not ready and willing to prevent genocide and mass atrocities.

I would like to come back tomorrow to speak for the rest of my time and close the debate on this inquiry.

[English]

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Dallaire, debate adjourned.)

• (1550)

[Translation]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

Hon. Claude Carignan (Deputy Leader of the Government), in the name of Senator Gerstein, pursuant to notice of June 13, 2012, moved:

That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, and Tuesday, May 15, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 21, 2012, to June 29, 2012.

He said: Honourable senators, I would like to move this motion, which will probably have to be put off to another time, in the name of Senator Gerstein. To keep the committee's mandate alive, I move the motion in his name and, probably in the next few days, Senator Gerstein will move another motion for the same purpose, but for a longer period.

(Motion agreed to.)

(The Senate adjourned until Wednesday, June 20, 2012, at 1:30 p.m.)

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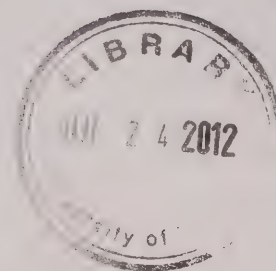
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(HANSARD)



Wednesday, June 20, 2012

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, June 20, 2012

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE W. DAVID ANGUS, Q.C.

The Hon. the Speaker *pro tempore*: Honourable senators, I have received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Angus, who will be retiring from the Senate on July 21, 2012.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once.

However, it is agreed that we continue our tributes to Senator Angus under Senators' Statements. We will therefore have the balance of the 30 minutes for tributes, not including the time allocated for Senator Angus's response. Any time remaining after tributes would be used for other statements.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to call to your attention that Honourable Tommy Banks, the former senator, is in the gallery.

On behalf of all honourable senators, I would like to extend to you a warm welcome back.

Hon. Senators: Hear, hear!

TRIBUTES

THE HONOURABLE W. DAVID ANGUS, Q.C.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, today we pay tribute to our colleague Senator David Angus, who retires from the Senate of Canada in mid-July. Through many, many years of dedicated service to the people of Canada and on behalf of his fellow Quebecers, Senator Angus has made a solid and lasting contribution to the work of the Senate of Canada that will not be soon forgotten.

Honourable senators, I have known David Angus for a very long time, and I can say without reservation that there is no one else quite like him. They obviously threw away the mold after David was born. He is an eternal optimist, open and generous, with a seemingly unlimited supply of energy and enthusiasm. David, or "Goose," as he is known by his closest friends in the Conservative Party, is a lawyer by trade, and I must confess, honourable senators, I never asked what the "Goose" meant. I was afraid of what I might hear, so I never got an explanation for why they call him "Goose." Maybe he will tell us today.

David is known for many talents, but he is particularly known for one talent that he possesses. He is one of the best — if not the best — fundraiser that ever laced on a pair of shoes, and his skills in this field have benefited every organization that has had his help. Certainly, the Conservative Party is proof positive of that, as are all the various health-related organizations he has supported, including mental health.

As a proud senator for the province of Quebec, Senator Angus also cherishes his Scottish heritage and was named "Scotsman of the Year" by the Quebec Thistle Council in 2008.

Nineteen years and two days ago this month, in June of 1993, Senator Angus was appointed to this chamber by his good friend, the Right Honourable Martin Brian Mulroney. Since that time, his work here in the Senate has been exemplary, both in the chamber and in committees. He is the current chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, and for well over a decade he served as deputy chair and chair of the Standing Senate Committee on Banking, Trade and Commerce. The workings of these committees depended heavily on his expertise and wisdom, and I know he is justifiably proud of his efforts on these two committees in particular, although he served on many others as well.

I would do a great disservice to Senator Angus if I did not include a special mention of his lifetime advocacy on behalf of a very important but often overlooked issue, and that is mental health and mental illness. His work in this regard was borne from personal family experience, and through many of his efforts he has contributed to a greater understanding and emphasis placed on mental health issues in Canada.

Senator Angus has made this advocacy one of the greatest priorities of his life, although he did not do so for accolades or praise or awards. I am proud to say, as was mentioned in this chamber a few weeks ago, that he was given a very prestigious honour for his work on mental health by the Canadian Alliance on Mental Illness and Mental Health. The nomination for "Champion of Mental Health," which was awarded to David and was described in the Senate at the time, describes his dedication very well, and I will quote a small portion of this citation to give context:

As Chairman of the Board of the McGill University Health Centre he was instrumental in the expansion and advancement of Mental Health facilities, services and research at the MUHC.

David has demonstrated his personal leadership by contributing over \$1 million to establish new, modern advanced psychiatric care facilities at the MUHC.

He has also established a major endowed fund at the Montreal General Hospital Foundation — the Senator W. David Angus Award for Research in Major Psychiatric Diseases.

• (1340)

The Canadian Alliance on Mental Illness and Mental Health nomination went on to say that, due to his “continuing leadership, mental health in Canada has been greatly advanced” by the efforts of David Angus.

I know I speak for all honourable senators in saying we are sorry to see Senator Angus leave. I cannot say that he is retiring, though, because that word just does not suit David Angus at all; he is moving on to new challenges and new opportunities. I know that whatever he does in the future, he will devote himself completely to it and with great dedication, as always. As the Prime Minister said earlier today, even though Senator Angus is taking leave of the Senate, he will continue to be an active participant and will be heavily involved in the Conservative Party of Canada.

David, on behalf of the Conservative caucus and our honourable senators here in the chamber, I extend my best, personal wishes to you and to your wife, Louise, for continued good health and happiness. I also wish the best to your mother. How lucky you are to still have your mom.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, before calling on the Leader of the Opposition, I would like to call to your attention that in the North Gallery we have the family, friends and personal staff of our colleague Senator Angus; namely, his mother, Ada; his sister, Elizabeth; and his niece, Stéphanie Côté.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

TRIBUTES

THE HONOURABLE W. DAVID ANGUS, Q.C.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I, too, rise to pay tribute to our colleague and friend David Angus as he prepares to leave the chamber after 19 years of service.

Adlai Stevenson once said, “I am not a politician, I am a citizen.” While I suspect that Senator Angus may not agree with many of Adlai Stevenson’s political views, I think he understands that one very well because that is the spirit he has exemplified throughout his life.

He combined a highly distinguished career as a lawyer — he was one of Canada’s leading specialists in maritime law — with an equally dedicated commitment to public service, both to his community and in the world of party politics. To him, and to me, political engagement is simply part of being a citizen.

However, before we get too carried away by the dignity of his chosen life path, let me add one little fact to add some perspective. Senator Angus, our eminent colleague here in this place, began his career by running off to sea at the age of 15. He had applied to Princeton and was accepted — at 15 — but his father refused to allow him to go because of his age. Not to be held down, David promptly turned around and joined the British Merchant Marine.

He did eventually go to Princeton, where he attended the Woodrow Wilson School of Public and International Affairs in the late 1950s. Probably many Princeton graduates feel their experience there has had a lasting effect on their lives, but in Senator Angus’s case, it was arguably his graduation from Princeton, more than any classes he might have attended, that had the greatest impact, for the speaker at his commencement ceremony was none other than then-Prime Minister John Diefenbaker.

David met Mr. Diefenbaker at an event around the graduation. Here is what Senator Angus said happened on that occasion:

As one of a handful of Canadian graduating students, I was invited to dinner with Dief at the University President’s home the night before graduation! He asked me my politics — I waffled. He then nailed me, “You must join the Young Progressive Conservatives as soon as you get home. Here, phone Miss Flora MacDonald at my office and she will fix you up!” That was it.

That is not a bad recruitment pitch, honourable senators.

Senator Angus has been a very loyal and, as Senator LeBreton said, very successful Conservative Party member ever since, from his involvement in working to elect Mr. Mulroney, to rebuilding the Conservative Party after its defeat in 1993, to raising money for all sorts of political campaigns, which is something Senator Angus — or “the Goose,” as he is sometimes known — has been especially good at. Like Senator LeBreton, I did not want to go further into finding out where he might have gotten that nickname.

When Senator Angus was summoned to our chamber in 1993, I am told that his first seat was actually on the Liberal side — the “overflow” was the official reason. However, as a red Tory, I think he felt fairly comfortable bridging that divide.

Senator Angus was interviewed back in 2008 by Senator McCoy’s office and asked what accomplishment he was most proud of. His reply: Getting to age 71 without having compromised his ideals.

I cannot conclude without speaking about Senator Angus’s active community work, including serving as Chairman of the Board of the McGill University Health Centre. While he can proudly point to many accomplishments for health care in general, I know that an area of particular concern for him is

mental health for Canadians. He has spoken in this chamber of his family's experience in dealing with mental illness — challenges faced by literally millions of Canadians and their families.

Just last month, as Senator LeBreton mentioned, the Canadian Alliance on Mental Illness and Mental Health recognized Senator Angus as one of their 2012 Champions of Mental Health. Many of us were proud to be present on that occasion. Ron Collett, President of the MUHC, wrote the letter of nomination. He spoke of Senator Angus's work both as a caregiver and as an advocate for better client care, teaching and research, and of his work to build modern, advanced mental health care facilities. He concluded: "Because of his continuing leadership, mental health in Canada has been greatly advanced." That is quite a testimony, honourable senators.

Senator Angus is also justifiably proud of his Scottish heritage, so I will close with some words from that great Scot, Robbie Burns:

A price can mak a belted knight,
A marquise, duke, an' a' that;
But an honest man's aboon his might,
Gude faith, he maunna fa' that!

David, my best wishes to you for a long, healthy and happy retirement.

Hon. David Tkachuk: Honourable senators, this is kind of a sad day, but there are some good things happening. I met Senator Prud'homme yesterday and could not help but note how well he looked. Then I see Senator Banks here, and he looks five years younger than when he left. Senator Angus has something to look forward to. I think that when he leaves this place, he will be fairly relaxed and have energy to do all the things that he likes to do in his community, and hopefully in politics as well.

Beyond our first names, David and I have in common our respect and love for Brian Mulroney, John Diefenbaker and our party. When we were appointed to the Senate, we did not know each other. I do not think he had heard of me, but I had heard of him.

We were appointed in 1993, a couple of days from each other, along with a number of other stellar senators here. We were assigned offices on the sixth floor of the Victoria Building and across the hall from each other, where we were able to drop by each other's offices with all of a 10-second stroll.

We were assigned seats right over there where Senator White and others are right now. However, after that devastating defeat, we are right here. We are actually in the same place 19 years later as we were all those years ago, so we have come full circle.

There will be quite a few speakers, but I want to talk today about the Banking Committee, because I think that is where Senator Angus made his mark. I served with him on the Banking Committee; we were both assigned there. Over the years, he participated as a member, a deputy chair and a chair. He provided guidance that was significant and gave terrific insight from his

formidable experience in business, law and corporate governance. Just when you thought you knew him, you were always surprised at another field of expertise that he had within that great brain of his.

• (1350)

He served as the chair of the Banking Committee between 2007 and 2008, and during his tenure as deputy chair between 2004 and 2007 the committee completed important studies into productivity, charitable giving, the Western Hemisphere Travel Initiative, a five-year review of money laundering and the anti-terrorist legislation, the demographic time bomb, and consumer protection in the financial services sector.

He served as deputy chair between 1996 and 1997, when Senator Kirby was the chair, when the committee completed studies into barriers to foreign bank entry, corporate governance and Crown financial institutions. I replaced him as deputy chair in 1997. David was not amused, though I was more than enthusiastic about his continued contribution as we worked on a detailed review of the governance of the Canada Pension Plan Investment Board, the financial system, taxation of capital gains, our shared border, the growth of small and medium-sized businesses, bankruptcy and safeguards to restore confidence.

We always looked forward to the Governor of the Bank of Canada's semi-annual visits, and Senator Angus's behind-the-scenes imitation of Governor Dodge's distinct voice was priceless.

Senator Angus left the Banking Committee in the last Parliament to lend his expertise to the Energy, Environment and Natural Resources Committee, where I know in its next report he will leave his mark with a major study into the current and future state of Canada's energy sector.

Senator Angus, the Banking Committee and all the committees of the Senate will miss you greatly. If anyone is enjoying lesser capital gains today, I have to thank not only Prime Minister Chrétien but also the fact that the Banking Committee worked very hard during David's tenure to make this happen, and I think our lobbying efforts had a great effect. Thank you very much, David. It has been a pleasure. The Senate will miss you.

Hon. David P. Smith: Honourable senators, I am rising to pay tribute to Senator David Angus, who is a friend and a parliamentary colleague. We do have some things in common. He and I were both born in Toronto, and I know he is very proud of having been born in Toronto. To soften that a little bit, we both love Montreal, too, but both were born in Toronto, both lawyers, both QCs, and I might point out that my QC came from Brian Mulroney, and I am sure Senator Angus recommended it. I did not even ask for it.

He practised at Stikeman Elliott, which is a Bay Street-type firm, although based in Montreal. I know many of his partners and colleagues.

The Diefenbaker connection: I have a Diefenbaker connection, too. Diefenbaker's mother's maiden name was Bannerman, and my father's name was Campbell Bannerman Smith; he was

named after his great-uncle who was Prime Minister of Britain. Diefenbaker spent a lifetime trying to prove that he was related to Sir Henry, who became Prime Minister in 1905.

One time after Diefenbaker had been over to London and went up to Edinburgh see the Lord Lyon King of Arms, they could not quite make the connection, but he asked that they find Sir Henry's closest relative in Canada. They came up with me because my father had passed away, and what did I do? I worked for Lester Pearson.

Diefenbaker called me in a few times and we had these great sessions. I will never forget that at the end of one he said, "Young man, I know you are working with Mr. Pearson, but I want you to remember as long as the light shines forth the greatest sinner may return."

I said, "Well, Mr. Diefenbaker, I do not know why you use that word 'return.' I do have to point out Sir Henry was a Liberal."

In any event, Mr. Diefenbaker was very kind to me. I have Presbyterian roots, too.

What both Senator Angus and I have done is to help make democracy work. Sometimes people do not appreciate when you do the heavy lifting to have a strong party in a democracy. He has done it for the Conservatives. I have done it for the Liberals. He has done fundraising. I have run a few campaigns, some that went well and a couple that did not go all that well. In any event, you have to have people who will do the heavy lifting and make parties work in a democracy, and Senator Angus has done that. I think, particularly because of his Red Tory roots, he has given sound business advice.

Another thing I want to say: You are never snippy in the house. That is an old joke between us, which he gets.

Here is something else you do not know, Senator Angus. I was hanging out with your mom today. We were both in the dining room and came down together in the elevator. She invited me to hang out with her in Westmount next time I go to Montreal, so she is a great lady. Nice to see you, Mom.

I will miss Senator Angus. I think we will all miss him. I want to pay tribute to him.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, our friend and colleague, William David Angus, will reach retirement age in a few weeks. Some of us have decided to share our memories of him to give you a full appreciation of this remarkable man.

As some have just mentioned, Senator Angus is originally from Toronto, but for more than 65 years he has lived in Montreal, where he has become a pillar of his community. This descendant of a famous and proud line of Scots attended one of the most prestigious universities in Montreal. In 1962, he graduated from McGill University's Faculty of Law with first class honours.

[Senator Smith]

He joined Stikeman Elliott as a young lawyer and became a senior partner until he retired — sadly I am sure — in July 2009. Senator Angus is an active member of the Montreal, Quebec and Canadian bar associations and because of his extensive experience in all facets of maritime law, he is an Honorary Life Member of the Canadian Maritime Law Association.

His peers at the Barreau du Québec recognized him as a professionally superior colleague and a citizen whose social involvement marked his generation. In May 2009, they gave him the rare honour of being designated *Advocatus Emeritus*.

Outside his demanding law practice, he threw himself into a number of community causes with enthusiasm and determination. However, to me, his role in bringing about the McGill University Health Centre, which is currently under construction, first as chairman of the board and then as president of the centre's foundation, remains the most spectacular of all his roles.

In addition to his career, Senator Angus became involved in democratic life in Canada. He joined the Progressive Conservative Party of Canada in Quebec during his university days and was an active member. Through his friendship with the man who would become the 18th Prime Minister of Canada, the Right Honourable Brian Mulroney, he would influence the course of Canada's political history.

As senators have mentioned a couple of times in the last few minutes, many refer to Senator Angus as "The Goose." The nickname is not particularly mysterious, but it is difficult to translate into French because it is an English idiomatic expression. It befits the character of the man we are honouring today. I will leave it up to him to explain where it came from.

As a fundraiser, Senator Angus is unrivalled. He revolutionized the methods and processes associated with an activity that is often misunderstood but indispensable to the survival of political parties and certainly very honourable.

That is how our paths crossed. We were both involved in party activities when Mr. Mulroney decided to run for the leadership in 1982. Ever since then, people have joked that, as president of the Progressive Conservative Party of Canada in Quebec, I spent the money that he raised. They might be joking, but they are right. And we succeeded.

• (1400)

We were both appointed to the Senate of Canada in June 1993. Our party was in power and our Senate caucus had a majority. Nineteen years on, our party is once again in power and our caucus has another majority. But appearances can be deceiving. Despite the vicissitudes of our party's political fortunes, Senator Angus has always given his dignified and effective best. The same can be said with respect to his professional and community work.

My wife, Camille, sends her regards, and we want to thank you for what you have done for Quebec, Montreal of course, your community and Canada. I wish you all of the success you deserve as you pursue your current endeavours and in any new challenges you undertake in the future. Good luck.

[English]

Hon. Grant Mitchell: Honourable senators, I knew David Angus long before I came here and ever met him. I do not know for what reason I knew that he was a very significant person amongst very significant people, prime ministers and many senior people and the like. In retrospect, I wondered why it was I knew him for so long before I came here when I was a Liberal in Alberta and had very little to do with national-level politics and nothing to do with national-level Conservative politics.

Then I arrived and met him, and it was very clear that there were a couple of reasons. One was that he has this huge, compelling, engaging personality that you cannot miss no matter where you are in the country, it would seem. Second, it is true he has that old school view of public service as being one of the highest callings of any of us in this country, and he spent most of his adult life operating to prove that principle at the highest levels of this country and his community.

I had the wonderful opportunity and experience to work with him as deputy chair to his chair of the Standing Senate Committee on Energy, the Environment and Natural Resources. In a place where we have many wonderful opportunities, this would rank as one of my best and I am grateful for it. I have some specific impressions as a result of that.

First of all, he is hyper smart. He makes it look effortless to grab and understand a range of issues that seem to move at the speed of light. One can see his nimbleness and quickness in running that committee. I think one of the most admirable things, and one of the things I like best about him, is that he loves the Senate and respects deeply and profoundly the parliamentary process and public policy debate. One has only to see how he conducted his leadership of our committee to know what I mean.

He is impeccably fair every moment. He is impeccably respectful of all members, all sides, every turn, and it is not though this is an easy committee. This is a committee with tough issues, and there are no sissies on this committee; there are driven, passionate, determined people, and some of them — I guess me, maybe — are difficult people. He was inspired by these people. It is a testimony to his personal strength that he is not in the least bit cowed by strong people; he seeks them out. In fact, every once in a while he pokes and provokes them for the fun and challenge of it. It says a great deal about his personal strength.

I want to mention something as well, and that is that his courage. David Angus has had a year or two that we would not wish on anyone. It is clear that he has been profoundly courageous in the way he has confronted these challenges and never lost his sight of his ability to do his job. He has never faltered at committee and always provides the leadership to bring us together and get us there. I think it is profoundly impressive that he would be able to do that. I think, in part, he sustains that because of this wonderful sense of humour that we all know he has. I have had immense fun working with him, apart from all the other benefits I have received.

The only problem I have working with David is that I sit beside him as deputy chair. I just fight to maintain my composure and professional decorum through this onslaught of play by play of

what is going on in the committee through whispered comments and small notes. It is all I can do to control myself sometimes because he is exceptionally funny.

I will close by saying that David Angus is a remarkable person and I know that he is going to miss this place because he cared so much about it and has given it so much. I will miss him greatly and I know the Senate will miss him greatly as well.

David, I wish you all the best for your life in the future.

Hon. Daniel Lang: Honourable senators, it seems like yesterday when the group of 18 senators took our places here in 2009. As was stated last night by Senator Raine, we all remember how David took many of us under his wing and made us feel so welcome.

When I first met the good senator, little did I realize that I was in the company of an icon, a Canadian who definitely lives life to the fullest and makes the most of opportunities that come his way. When you look back on David's life, you truly have to marvel at how he managed to stickhandle his way through the various stops and starts along the way.

I think you can say that David — and I am sure his mother would verify this — comes from humble beginnings. He skated his way to a hockey scholarship in Princeton and along the way served as a junior officer at sea, and also as a journalist.

His honorary academic achievements are legend, and I have no doubt his social life at university was just as legendary. If a degree were granted for social life, he would have passed that, as well, with honours.

His tenure at sea helped him, as mentioned earlier. It directed him into maritime law, where, according to our good friend Senator Baker he excelled and became a cause célèbre before the Supreme Court of Canada. All the while he found time to be involved in the body politic, always wore his blue jersey with pride through the good times and bad times, and loyalty was always there.

He is a good political friend you could always count on, and the kind of guy you wanted by your side if you found yourself in a donnybrook. His reputation as a fundraiser for the party, as mentioned earlier, was renowned. I, for one, feel fortunate that I had not made his acquaintance during that period of his life because I have no doubt that every phone call would have cost a minimum of \$1,000, and he would have made me feel very good as he picked my pocket for the cause.

I also want to commend the good senator for his work with Canadian Mental Health, and I want to say: David, a job well done.

From the hockey arena to the world of business and law, to the political arena and then 19 years ago to the bench in the Senate, David has always taken his responsibilities with commitment and honour. I also have to echo Senator Mitchell's words about the good senator about the example he set as chairman of our Standing Senate Committee on Energy, the Environment and Natural Resources and his unwavering commitment to consensus building and keeping everybody inside the tent. That was

recognized the other day by our friend Senator Mahovlich, "the Big M," who described our committee as a real winner when he said, "I feel like I just joined the Los Angeles Kings."

Before I conclude, I want to share some thoughts from some of Senator Angus's friends and colleagues who have moved on from Parliament Hill, and I am so pleased to see Senator Banks here today.

He sent this note to be read:

There was a point a few years ago at which both of our sides had been involved in a series of procedural manoeuvres that, it is fair to say, pushed the limits a bit. For my part in this series, Senator Angus became furious with me. But it is a mark of a good man, that when the dust has settled a bit, he can forgive, if not forget. And when Senator Angus graciously did that, we entered into a much longer, happier, and more productive time of cooperation, and sometimes of avid cooperation.

I also want to share with you, from your good friend Senator Meighen, this thought:

Life is never dull in David's company! It is fast-paced, stimulating and certainly full of laughs. As we salute you on this day, I know I speak for your legion of friends and admirers when I express our thanks for your outstanding contribution to your city, your province and, through this Chamber and elsewhere, to your country. May you enjoy good health and much happiness in the years ahead.

I want to say, David, Senator Meighen and Senator Banks both assured me that there is life after Parliament.

Senator Angus's commitment to loyalty cannot be overstated. Last night it finally came out. He actually confessed that he is a Toronto Maple Leafs fan. If that is not loyalty, I do not know what is.

• (1410)

Senator Angus, now that you are entering free agency, who knows, maybe the Leafs will call, and God knows they need the help.

Senator Angus, on behalf of the people of Canada, we bid you farewell, and we will miss you.

Hon. Paul J. Massicotte: Honourable senators, I would like to add my voice to that of my colleagues to honour Senator Angus's impressive work inside and outside the Senate. I have known Senator Angus for many years, but professionally mostly through our committee work, starting with the Standing Senate Committee on Banking, Trade and Commerce and then the Standing Senate Committee on Energy, the Environment and Natural Resources.

I particularly enjoyed our experience of Senator Angus chairing these committees. He chaired them in a totally open and non-partisan manner, making every effort to include and

hear every opinion of witnesses and senators. It was refreshing. Sincerest congratulations on that, Senator Angus. We were able to have interesting, honest and open discussions about many of the most important and difficult challenges of our time.

Please allow me to note particularly Senator Angus's leadership on our forthcoming report, which will come out shortly after three years in the making, on how to best achieve a sustainable energy and environmental strategy in Canada.

Opinions on the subject vary greatly, as you know, and are sometimes quite contradictory, even among us senators. Yet, Senator Angus listened patiently to all witnesses and senators, generating a balanced conclusion. He spent hours and sleepless nights on this report to best represent our conclusions without any serious dissension, in order to contribute to a better Canada. That is a big achievement that few could deliver. However, Senator Angus did.

[Translation]

I also have the good fortune to know Senator Angus personally, because we are both members of the Mount Bruno Country Club on Montreal's South Shore. As we all know, Senator Angus is very good at telling jokes and can imitate an impressive number of accents.

I have often had the privilege of hearing his most scandalous jokes, just between the boys. He has made us laugh a lot. I will say no more. But I would like to pay him this compliment: Senator Angus is an excellent golfer. You know, I wonder sometimes if he wears his kilt on the course just to distract us.

[English]

As for his work outside the Senate, the list is impressive. His expertise in maritime insurance and commercial law is extensive and well known and has merited many titles, including *Advocatus Emeritus* and Honorary Life Member of the Canadian Maritime Law Association. As a senior partner of the Stikeman Elliott firm, Senator Angus was one of the best lawyers in our country for over 45 years.

He also devoted an incredible amount of energy, time and funds as chair of the board of the McGill University Health Centre. We can only admire the crucial role he played in leading the efforts to a new consolidated super hospital now under construction in Montreal. Although it was not always easy, the benefits of this achievement for Quebecers will be substantial for decades to come. Thank you, Senator Angus, for your immense contribution.

After 19 years in the Senate and a professional career marked with success, David, I wish you a retirement filled with happiness, but mostly filled with good health. You have an important heart surgery coming up. Be assured that our thoughts will be with you. You are an excellent senator and a truly accomplished man, multi-faceted in all sectors. You have made our province of Quebec and Canada very proud.

Thank you, David.

[Translation]

Hon. Jean-Guy Dagenais: Honourable senators, I now understand the reason for the strong bond that was quickly formed between Senator Angus and me: my mother was of Scottish origin.

Although I have only been in this chamber for a few months, I would like to pay tribute to the Honourable David Angus, who will soon be leaving us. I cannot say that I know him well or that I have known him for a long time, but I can say without hesitation that he will be leaving a great void.

As soon as I arrived in this chamber, I had the pleasure of working with him, mainly on the Legal and Constitutional Affairs Committee, where I was able to appreciate his qualities as lawyer and a citizen. I quickly understood that he took his duties very seriously, but he remained very human and even made us laugh on occasion. I am convinced that that is how he conducted himself throughout his 19-year tenure.

Senator Angus has been a Conservative since the Diefenbaker days. Although born in Toronto, he chose to make his home in Quebec, as was mentioned, and he represented Quebecers very well in all of the duties assigned to him. Canadians will remember him for the important contribution he made to the work that resulted in significant changes to the code of ethics governing potential conflicts of interest among senators. These new measures will lead to greater transparency on the part of all senators, which is what taxpayers want.

The Honourable David Angus is leaving us, although not by choice. As he has told anyone who will listen, he does not feel the weight of his 75 years — I apologize for revealing your age — the only thing forcing him to retire from the Senate. As we know, for he often tells us, he is still in excellent health and he would have loved to have been an exception in order to continue his work with us.

My understanding is that he left his important role as a partner in a large law firm in Montreal because he loved politics and parliamentary life, and he brought honour to his duties in this place.

I also understand that he cannot imagine being a full-time retiree, someone who gets up every morning without any real tasks to accomplish or obligations to fulfill, although I am sure his wife would be more than happy to give him a list. I would even say that his current situation will force him to accept his pension. I bet he is already looking for new things to do. It is precisely because of this strong desire to always achieve a little bit more that I wish to pay tribute to him here today. Our friend David — I believe he will let us call him that — is one of those people who never really stop working, because to him, work is not a burden, it is a pleasure.

Enjoy your retirement, Senator Angus!

[English]

Hon. Irving Gerstein: Honourable senators, it is with the greatest of pleasure that I pay tribute to our great friend the Honourable William David Angus. David has been one of the

true stars of Canadian life and has successfully combined the career of a leading lawyer with that of a committed campaigner on mental health issues. Today we mark David's retirement from the Senate after nearly 20 years.

As I look back on my friendship with David, I can say to you that his nickname "The Goose" was well chosen. You may think I say this because David is renowned for spending a lot of time on golf courses. His obsession with the royal and ancient game is, of course, entirely fitting for one of Canada's great Scotsmen. After all, as the saying goes, the Scots are the people who gave us golf and called it a game and also gave us the bagpipes and called it music.

Rather, my friends, the Canada goose is known for its loyalty to the team and for never standing alone. It is this quality that best describes David. He has always understood that by working together we can achieve far more than by working alone. David has indeed illustrated Lord Kilmuir's famous maxim that loyalty is the Tory's secret weapon, and he has achieved this without having to follow Disraeli's injunction to a parliamentary colleague, "Damn your principles, stick to your party."

As I look back over many years of working as a party bagman, I do not have to tell you that the Conservative cause has had its ups and downs. Today the Conservative Party of Canada is in good health, but it was not ever thus. In some of the darkest hours of our party, when lesser men would have thought of deserting a sinking ship, David provided a steadfast support. Friends, without David's generous support during the sometimes difficult history of our party, we would not be where we are today.

I thank David not just as a fellow Tory bagman; I wish to recognize something far more important. Those who care about this country know that the democratic process and the freedom of the Canadian people to choose their government is the lifeblood of Canada, and so, whatever our political viewpoint, we should salute a man who has worked so tirelessly and so successfully for so many years to support the democratic life of this country.

Honourable senators, over his extraordinary career David has been a pre-eminent lawyer, political activist, campaigner, philanthropist and parliamentarian, but those of us who are fortunate enough to number among his friends know David most of all for his fundamental decency and loyalty and for his great capacity for friendship.

• (1420)

It is said that King George V was advised by his private secretary in preparation for his role in public life to "never stand when you could sit, and never miss a chance to relieve yourself." I am sure honourable senators will agree that this was very sound advice.

Now, David has his own set of rules for life in the Senate, which he was kind enough to share with me and which I now share with honourable senators: First, do not take yourself too seriously; second, keep a sense of humour; third, watch how much booze you drink; and fourth, keep in mind that someone is always watching you.

I have always endeavored to follow these rules, but I must say not always successfully; and I can think of some of our colleagues in the Senate who might have been well advised to do the same.

David, for this and for so much more, thank you.

Hon. Anne C. Cools: Honourable senators, I rise to join colleagues in paying tribute to the one and only Senator David Angus. Today is a phenomenal day, in a way, because it seems to me it was just yesterday that David arrived. The fact is that today marks for David a rite of passage, and for all of us as well, as he completes this portion of his life's journey. You like that, do you not, David?

It is well known, honourable senators, that I believe that life is a pilgrimage and that it is a collection of rites of passages that we must negotiate as we navigate our way from one stage of life to the other. I am using language of the sea because Senator David Angus is one of the specialists in this country on the law of the sea — the law of the admiralty. It is a great thing and a great credit to him.

Honourable senators, David and I share a few interests. One of them, especially, is his interest in McGill University. I thank him for that and his work, because McGill University is my alma mater as well. In addition, David and I shared a very special friend — a very dear and fine friend, who was the late Chief Justice of the Federal Court of Canada, the Honourable Julius Isaac, a special man who recently passed away.

Honourable senators, David Angus has a very gentle side. There are many who have seen him as a ruthless parliamentarian or a dedicated Conservative, but there is a very gentle side to David. I have seen that side on many occasions, particularly on one of my very rare trips as part of a Canada-United States Inter-Parliamentary Group meeting in May 2006, when David and I were in Charleston, South Carolina. Honourable senators would not know that Charleston is a very important city to me and a very important place in my life. Charleston was founded, as was South Carolina, by people from Barbados. I think all senators know that I was born in Barbados in the British West Indies. The first three governors of South Carolina were from Barbados. The city of Charleston is laid out pretty much like Barbados and Charleston's parishes have names just like those in Barbados.

Honourable senators, it was a marvelous trip. I know a lot about Charleston and I loved being there as I had been there before. However, David could not understand why I ended up with one of the nicest hotel rooms of all the members of the delegation. David inquired as to why I got this room. I explained that the previous night there had been some defect in the room and the hotel upgraded my room. I told David, "You must remember, many of the hotel staff here are Black and in the United States of America, a Black senator is a rare creature; and a Black female senator is even more rare." I had to point out to David that silent messages were going through the hotel staff that there was a Black senator from Canada. Many of them wanted a peek at me or to say hello. David and I found that very amusing.

Honourable senators, there was another amusing moment. It is marvelous to see the comic in David. A special dinner was held for the delegation at Boone Hall Plantation, which was used in the

film *Gone with the Wind*. Of course, I was happy as I walked around. I said, "I am a plantation girl." However, no one could understand my happiness. I explained to David that I had grown up on my mother's plantation.

David, I wish you well in your upcoming health challenges. I wish you well in all the endeavors that you will move on to. I thank you from the bottom of my heart for your spirit of public service. I shall read a scripture for you. I shall read from the New Testament Book of Mark, chapter 10 verses 42 and 43 in *The New Jerusalem Bible*:

Jesus called them to him and said to them, "You know that among the gentiles those they call their rulers lord it over them, and their great men make their authority felt.

Among you this is not to happen. No; anyone who wants to become great among you must be your servant. . . .

David Angus, in the name of Julius Isaac and in the name of all your supporters and admirers, I thank you for your wonderful spirit, your wonderful sense of public service and your willingness to give.

[Translation]

Hon. Pierre-Hugues Boisvenu: Honourable senators, it is an honour for me to pay tribute to Senator David Angus and to tell the story of how we are connected.

I met Senator Angus before I came to the Senate, when I was the founding president of the Association of Families of Persons Assassinated or Disappeared. Our organization contacted all of the political parties, and the Conservative Party was the only one that agreed to meet with us. Senator Verner was the first to meet with me in her Montreal office, in 2005, and she introduced me to Senator Angus.

In September 2005, Senator Angus met with the four founding fathers, Mr. Bolduc, Mr. Surprenant, Mr. Caretta and me, at his office. Beneath his somewhat gruff exterior, I discovered a very warm man who cared about the needs of victims of crime, and more importantly, I discovered a man who had decided, at that point, to take our cause and bring it to the caucus of the Conservative Party of Quebec.

Twice, between 2007 and 2008, we had the honour of meeting members of the caucus, to share with them our needs as victims' groups and also to share our expectations for justice and public safety. At these meetings, we shared a dozen expectations with the caucus, and today, it has followed through on these 12 expectations with reforms and laws.

When Prime Minister Harper invited me to sit in the Senate in 2010, it was no accident that when I had to choose a sponsor, the first person who came to mind was Senator Angus. I had the honour of serving with him on the Standing Senate Committee on Legal and Constitutional Affairs for two years. Senator Angus, like Senator Baker, was truly an emeritus professor for me in terms of law and justice.

I learned a lot from Senator Angus over the past two years, whether it was from his humour every day or the seriousness with which he listened to witnesses and sought to understand the bills before us.

No doubt Senator Angus was among those who advised the Prime Minister to invite me to sit in this august chamber, and I would like to thank him for that. Senator Angus, as I serve my term in the Senate, I will make it my duty and obligation to live up to the ideals of this institution, as you did.

I will not wish you a happy retirement, for I think that you are too young to retire. Instead, I wish you good health and I wish Ms. Angus a lot of patience. Senator Angus, you are an active person and I am certain you will stay that way.

• (1430)

Today, the Senate is losing a distinguished man, but Quebec — particularly Montreal — and Canada are gaining a vital asset.

Senator Angus, I wish you a very long life.

[English]

Hon. Elaine McCoy: Senator Angus, I want to add a very quick thank you, to that which has been spoken by others in the chamber, to say how much I have been entertained working with you, in particular on the Standing Senate Committee on Energy, the Environment and Natural Resources.

I have been very much struck since I first came here that you reflect our traditional Senate. When I was scouting about for profiles to put on my website so that Canadians could get to know the brilliance of this institution — which I dubbed many years ago “Canada’s best think tank” — you were one who came to mind instantly.

In my experience and observation, you have striven very hard to uphold the best traditions of this wonderful institution. As you said in response to a question in that interview, you thought that the value of the Senate is to be unlike that other place. Therefore you have, in fact, worked very hard to walk your talk in that regard. For that, I honour you.

I also honour you for your generosity and your wit, as others have mentioned. You are a wickedly funny man, but you are also very generous. In regard to our energy study, which you inherited when you took over the chair from Senator Banks, you always acknowledged my part and called me the godmother of the energy study. I will say that Canada and Alberta have much to thank you for regarding your dedication to that study over the past three years. We are looking forward to the final report. As we look forward, it will be a contribution to our future in the energy and environmental challenges that we will continue to face over the decades.

I thank you very much for all you have done and I wish you all the best, very much good health, and may you always be amused and entertained as life carries you on its way in the future. Thank you, Senator Angus.

Hon. Joan Fraser: Honourable senators, this senator from *The Gazette* wishes to extend tributes and best wishes to that senator from *The Gazette*. Many of you may not realize, although Senator Lang alluded to it briefly, that in his misspent youth Senator Angus was a reporter for *The Gazette*. I am personally convinced that that is where he first perfected the interview technique that I have had occasion to admire more than once in the Standing Senate Committee on Legal and Constitutional Affairs. It is what I refer to as the “simple country boy” technique of interviewing, much favoured by ferociously effective investigative reporters. It consists of being very nice and saying, “Now I just want to be sure I understand this, because this is really complicated. Can you really make sure that I am going to understand this?” The person who is being flattered just opens up like a sunflower and frequently convicts themselves immediately following thereupon.

David, I share, of course, all the good things that have been said and I will not repeat them. I just want to say this: In July you will be typing “- 30 -” at the bottom of your senatorial career, but, as all journalists know, you type “- 30 -” at the end of one day and the next morning there is a new assignment, frequently at least as interesting and maybe even more fun than the one you have just finished. I hope that all your next assignments will be fascinating and stimulating and, above all, fun.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling upon the next senator to take the floor, I want to draw your attention to a very special person in the Governor General’s gallery, and her presence might modify what we hear next. I introduce Mrs. Ada Angus, David’s mother.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

THE HONOURABLE W. DAVID ANGUS, Q.C.

EXPRESSION OF THANKS

Hon. W. David Angus: Honourable senators, dear colleagues, what can I really say? I am so deeply moved by your kind and generous remarks in all quarters.

[Translation]

Dear friends, your remarks have been too kind and too generous. Thank you all from the bottom of my heart.

[English]

Thank you all so very much.

It is great my mom is here. She is quite an old Scottish matriarch and she has had a lot to do with maybe some of the things — as you all rewrote history — through the wishes she had for her son. I wish my late dad were here, too, because he established for me a moral compass, which has helped in battling the demons.

As I am sure you can tell, honourable senators, I really love the Senate. I love the people in it and I love everything about it. This is the Red Chamber.

When we were young guys in Quebec, there were only four Conservatives whom I knew: One was Brian Mulroney, one was Brian Gallery, one was Michael Meighen, and one was your humble servant. There was a Conservative senator here, who was 74 and a half years old. Her name was Josie Quart and she was a handicapped lady in a wheelchair. However, the four of us had a code. Whenever we were out politicking, we would gesture to each other about which one of us was going to get that seat. Of course, Guy Charbonneau got the seat, and we did not know who the hell he was.

I have always loved this place, as I say.

[Translation]

Honourable senators, I repeat: I love the Senate. That is why I am finding it so difficult to retire. Perhaps this is the time to reveal where my nickname, "The Goose," comes from, as Senator Nolin requested.

[English]

I actually was born in Toronto and I got out of there pretty fast. A small conflagration broke out in Europe and we beetled down to Nova Scotia, where more of my ancestors from Scotland were. We settled down in Halifax and in Chester. My mother had this little Toronto Maple Leafs sweater. In all the pictures I see of myself as a little guy in Chester and in Halifax, I had this Toronto Maple Leafs sweater on. Why am I not a Toronto Maple Leafs fan? It is because loyalty is necessary. Anyway, I was soon called Gus or Gussy for Angus.

Then in 1946, after the war, we moved to Montreal and two things happened. First, when I would be sent out, my mother would get these two baked potatoes, heat them up in the oven and put them in the toes of my skates so my poor little feet would not freeze. She would send me down the hill in Chester to skate with the big guys. They would pull me along on their hockey sticks, all through these little brooks and streams. It was incredible. I can remember like it was yesterday.

• (1440)

I got pretty good ankles and I got pretty good at skating, so when I came to Montreal, I got on the hockey team at my school, and for some reason was given No. 12. I wish Jacques Demers was here. At the time, on the Montreal Canadiens, there was a guy named Goose McCormick. He was No. 12 and he had this long, long stick, I do not know how many inches, but he was renowned as the best poke checker in the NHL. Frankie might well remember. That plus the fact that a lot of my friends were francophones and could not say "Gus" but instead "Goose."

I am really grateful, and I mean this from the bottom of my heart, for having had the opportunity to serve here for the past 19 years and 10 days. During this period, I have been able to see our institution in all its aspects: the good, the bad and the ugly. I have seen the Senate while my party has been in government and while it has been in opposition. I have been here

while Conservatives have been in the majority with well over 60 senators — and I see my good friend Marjory looking down. We can remember being here when we had far fewer senators; 18 was our low, I think.

I have seen the Senate at its best, performing well in our nation's service, but I have also seen it not doing so well. There has always been one overriding constant: the high quality of the senators themselves, always a group of competent, focused and dedicated men and women from all across this great nation of Canada representing every province and every territory together in an ongoing collective endeavour. I think we all sincerely want to make Canada a better place, very often at substantial inconvenience and sacrifice, both personal and financial. I know many senators who have to come every week from places like Whitehorse in the Yukon Territory, or anywhere from the far West, as well as the people from Newfoundland and Labrador and Atlantic Canada. We have it easy in la Belle Province de Québec, Montreal and Toronto; we recognize that. We are all here, we are all doing it, and each and every one of us is giving up something to be here. I only wish, as I say, that Canadians understand what we do here and what we are giving up to do it because we love this country and we want to make it better.

[Translation]

I often wonder why Canadians are not aware of what we do here and all the efforts made by their senators in this chamber and in committee. In my opinion, it is a matter of communication.

[English]

My good friend David Tkachuk and my good friend George Furey have spent long hours in our internal management committee, called "Internal," and they have spent a lot of money, our money, the money, taxpayers' money, on communications of the Senate.

This communications business is a tricky business. Senator Fraser, you and I were in sort of the communicating business. However, they are not getting it right. God knows, I do not know why. I do not think we have yet found the solution, but I can show you a file of letters, a file of diskettes, where witnesses who have come before committees — one I served on — have written and said, "Wow, I had always heard of the Senate, but today we were here and the senators were really prepared, they had done their homework, they knew what the issues were, what our issues were, and they asked us questions that made sense." Those comments are sincere, and it happens day after day. I am sure all of us have had that experience. Why do we not get the message out?

In terms of Senate reform, in my view, that would be a very good place to start.

I could go on quite a bit about that, just on Senate reform. Of course, any institution of the age that we are requires reform. It is a no-brainer. The House of Commons needs more reform than the Senate does.

What does "reform" mean? There are all kinds of spinning of the term out there in Canada about the Senate. I think there is a report — I know there is a report because it is right here. It was put together by Senator Daniel Hays and myself when he chaired

[Senator Angus]

and I was almost like a deputy chair in this case, a very special committee that was set up to look at the substance of Bill S-4, which was the first Senate reform proposed legislation about term limits.

What I am trying to get at here is that it is really amazing how few of us have actually maybe read all the stuff there is out there to read about the Senate, but all of us on that committee that summer, the summer of 2006, were given a huge box of references, tracts, reports, stuff to read. I can remember going down to Magog with my box of stuff and reading right back to the Fathers of Confederation, their debates and discussion.

In any event, we came up with this report, which is like many others, with dust on it on the shelves of Carleton University. I commend it to you, and I commend the references that are in it. I have a letter at home from the Prime Minister saying, "Wow, I did not expect this. This is a great report. I could not have asked for more."

What we basically were saying was, sure, there is a need for reform. There are hundreds of things that could be done to improve the Senate, but do we need to go to the very fundamentals and change the nature of the beast, which is a fundamental part of our Constitution, without doing it by amending the Constitution? This is a rhetorical question that I keep asking whoever will listen. Someone mentioned it in their very generous remarks. I do not want us to make the Senate the same as the House of Commons, the other place. I think it would be folly to do that.

I only ask, again rhetorically —

Some Hon. Senators: Hear, hear.

Senator Angus: I am very loyal to my government. I support the party and its platform, and I am grateful to everyone who seems to have actually recognized that fact. I seriously question, however, whether electing senators is the right way to make us accountable to the people. We need to find a way to make us accountable. It is 2012; I think that is a no-brainer. However, I question whether we can maintain the quality and the high standard of 105 people from various backgrounds, with various degrees of expertise, who are here to provide sober second thought and careful consideration of legislation from the Commons that is drafted by people for whom that is their day job, their full-time job, whereas we are people with our own little outside expertise that we bring to the party. That is the beauty of the Senate. That is what the Fathers of Confederation would have wanted. Those are my comments.

Incremental tinkering is a risky business, whatever you are doing. Of course we have to fix up the Senate. We have to modernize it, and we have to find a way to select senators who will pass all of the smell tests. There is no question about that. I will be available at any time to help in that endeavour because I do not want to see the Senate abolished, and I do not want to see it transmogrified into a mini House of Commons.

I especially today want to thank our party, my party, and the other party, both sides of the chamber, for all they do behind the scenes. I am talking about the leadership.

First, in my case as a loyal and lifelong Conservative, my sincere thanks go out to Prime Minister Stephen Harper for his enlightened vision and inspiring leadership. What I like best about Prime Minister Harper is his great integrity. In my view, he is the right person, in the right place, at the right time to lead Canada.

[Translation]

That is what the Fathers of Confederation wanted to see.

• (1450)

As we say in Quebec, he is "un très bon père de famille."

[English]

He is a good father of the family.

[Translation]

He certainly has the right qualities to lead our magnificent country and to make Canadians' lives better and give them a better future.

[English]

In closing, I wish to thank our other party leaders that I have had the privilege, in my case as a Conservative, to serve, namely, the Right Honourable Joe Clark, the Honourable Jean Charest and Peter MacKay.

To my current leader in the Senate, the Honourable Marjory LeBreton, first, thank you for those lovely remarks earlier. I want to thank you and your excellent team of leadership for your guidance and your camaraderie. Your job is not always as straightforward and simple as it seems. We appreciate that. We carp around the back and it ticks you all off, but we know that it is a tough job and we are lucky to have you all. You do it tremendously well.

Marjory, you are our able and supportive den mother. Thank you for entrusting me over the past 10 years with the chairmanship of the Banking Committee and the Energy Committee, two duties that I have really enjoyed a lot.

You may wonder about that other leader that I left out. I find that it is a household name with me and I am never embarrassed to talk about my friend Brian Mulroney. Martin Brian Mulroney appointed me and many people in this room to this place. I will be eternally grateful to him for that. He also appointed me to the board of Air Canada, where I had the pleasure to survive privatization and to carry on for 19 years on that board. Brian Mulroney taught me about Canada. He gave me the opportunity to learn about the compassion, about the diversity and about the pluralism that exists in this country. He used to talk about the golden wheat fields, the majestic Rockies, the sparkling waters of the Great Lakes, the mighty St. Lawrence River and the beautiful, pastoral fishing villages of Atlantic Canada. I went with him on many occasions, from sea to sea to sea, and I learned a bit about Canada. I have learned oh so much more since I have been in this place. That is the great, great thing that I take away with me.

Senator Losier-Cool said last Thursday that she feels like a much better person. You just have to ask those folks. This kid is a much better person after being here. There are a lot of us out there. We are all different. We all have our own issues and we really care about our issues. In this place, we learn about how important it is to help other people deal with their issues. We develop an element of softness and compassion that Brian Mulroney often talked about: a kinder and gentler place. Another Prime Minister before him had his own words for it, but the reality of it is that all of us have the occasion to go south. I love the U.S.; I am a great Americaphile. We are a kinder, gentler society, and it is our trust not to deviate from that path.

Speaking of trust, there is one other thing I would like to put on the record. How many Canadians know what a magnificent precinct their Parliament occupies — these buildings, the architecture and the library over in the other place, with the Churchill portrait? I could go on and on.

As parliamentarians, MPs and senators, it is in our trust to preserve these great national treasures. Think of how easy it would be to be derelict in our duty. I walked around here today. I was showing my mom upstairs, going to the parliamentary restaurant, which is not in the Victoria Building and, therefore, not in my daily routine. What a magnificent restaurant. My mother said, “Do you stay in this hotel often?” I said, “No, mom, but I work there.” Never let it escape what a magnificent array of treasures we have here on Parliament Hill, and let us never let them go to ruin. It is very inconvenient to see all this construction going on, but you can see the results slowly as different parts of precinct are finished.

[Translation]

“Don’t give up,” as they say. We have to keep our house in order, do we not?

[English]

I am getting near the end — I know we have a busy agenda for today. I think I have said the main things that I wanted to put on the record.

[Translation]

I want to thank the Clerk of the Senate, Gary O’Brien, and his entire extraordinary team.

[English]

Gary runs a really fine operation — a much bigger and much more complex one than people realize. He makes it look easy, and it runs like clockwork. My thanks go out to all the Senate officers, the staff and the committee clerks. I want to make a special mention to my clerk on the Energy Committee, Lynn Gordon, with whom I have worked a lot lately. It is hard, long work and she gives us a lot of advice. She tries to keep the enthusiasm down. All of our committee clerks are very professional.

Senator Day, I was highly impressed observing your Finance Committee in operation and the lady who is your clerk. Again, these are stellar people. Never let us forget that we are very fortunate to have people like that here.

[Senator Angus]

Your Honour, we have become great friends. I am not sure we knew each other before our time in the Red Chamber, but I have deep and abiding respect for the balance that you bring to your very important office and the wisdom that you demonstrate on a daily basis in fulfilling your functions. You are “Mr. Senator,” and we thank you for all the great things that you do.

[Translation]

Our most sincere thanks to you.

[English]

On a personal note, I owe much to my loyal staff, who pretty well succeeded in keeping me out of trouble, out of the slammer and on the straight and narrow over the past 19 years.

[Translation]

In the early days there was Lorraine Matte and Robert Poirier.

[English]

He did a great job in easing me into the place, making me comfortable and adjusted and adapting to life in the Senate. Thanks as well to Erin Filliter, from New Brunswick, who now works with Minister Ashfield. I think, Your Honour, thanks to you, I was able to benefit from Erin’s enthusiasm and youthful brilliance in the job. France Lépine was my chief policy adviser for many years and is working now in the Auditor General’s office. These ladies worked under the watchful eye of my wise, wily, white-haired and steady Chief of Staff, Jim Williams. He was an inspiration that I had because he was my stockbroker. He had a long, distinguished career at Wood Gundy. After 9/11, he and his wife decided, “Life is short; we have potentially a great pension, so let us retire and enjoy life.” We were having lunch in the market and I said, “You are going to go out of your mind. As much as I love your wife, you are in big trouble.” He said, “What are you saying?” I said, “Monday morning you are starting your new job. You are coming to my office.” The rest is history.

I do not know if honourable senators have read *Renegade in Power* by Peter C. Newman, but he talked about executive assistants; that is, this group of young people like David Smith, David Angus and Brian Mulroney, as they then were on the hill, and one old guy, Mel Jack, who was the dean of the political staff. This is my Mel Jack.

I want to thank you, Jimmy, for all you did.

Lastly, I have been brilliantly supported by two wonderful ladies, Monique Roy and Sheila Rafter. I can see them up there with nice smiles on their faces.

To you all, my grateful and eternal thanks for putting up with me and getting me to this stage safe and sound and in one piece.

As far as my family is concerned, it is a complicated story and we will not go into too many details.

• (1500)

I can tell honourable senators that I would never be here and feeling so frisky as you have all made me feel today without the wonderful family I am blessed to have.

There is my wonderful mom who will be 97 on September 16, my guiding light. She said to me, "Are you my son?" I said, "Absolutely, mom," and she said, "How many do I have?" She is terrific and always keeping an eye out for little David.

Beside her you will see a beautiful blonde lady, my sister. She has not quite reached retirement age from the Senate, but you would never know it. She is blessed, as George Baker suggested I might be, with a youthful personality. My sister Bizzy is here, and she is my buddy, my soulmate, my conscience and my friend. She is just great. I call her Hazel.

My wife Louise Hébert could not be here today, nor could my son Gregor, who is now living in London, England with his wife and my two little grandchildren, but he has been emailing me to death saying, "Are they saying nice things, Dad? When is your operation? I do not think I can come over for it."

My daughter Jacquie who, as I think many of you know, is my main interest in mental health. Jacquie is 47 years old. She is just great. She is a beautiful, bright young woman and has had many challenges. This has made me dedicate much time, and I will continue so after the Senate, following this mission started by Michael Kirby of bringing mental health and the stigmatization that goes with it out of the closet, out of the shadows, and we have to provide them with the resources.

Hon. Senators: Hear, hear!

Senator Angus: There is another thing I wanted to say. My late father Mel, was absolutely my best friend and moral compass, as I say — and I will not go into all the stuff I had written down. He loved to pick up little phrases and called them pearls of wisdom. He would summon Bizzy and me and our friends onto our sun porch in Magog to wax philosophical. We would sit there on a Friday night and have a wee beverage — sometimes several — while he imparted these pearls of wisdom. They were things like this.

"You know, young folks, there is no free lunch, and you better learn that you have to have a full day's work if you want a full day's pay." These are trite phrases, right, but are they ever important. Just look around and read the newspapers about what is going on where I live in Montreal.

Second, he said people talk about credit and that Mr. *A* or Mrs. *B* has a nice long line of credit at the bank, and Mr. *C* and Mrs. *D* had no credit, and yet they seem on the surface to be the same kind of people. Father used to say, "Credit is an intangible thing. It is like integrity, and you have it when you are born. If you do not have it anymore, there is only one person to blame; look in the mirror. So do not ever lose it, because it is fundamental to have those intangibles intact."

Pearl of wisdom number three: "Success goes to those people who recognize opportunities and then seize them and act upon them and capitalize." He said that life is like a circular tray going around in front of your eyes with opportunities on it. He said the gal or the guy who gets ahead suddenly recognizes an opportunity and grabs it. He was not dumb.

"Friends are valuable. Never abuse them and never take them for granted."

This one came up in one of your speeches today, honourable senators: "Public service is next to godliness." It is a direct quote from the old man, and he probably cribbed it from somewhere else.

The last one is this: "Never forget or lose your Scottish heritage."

Some Hon. Senators: Hear, hear.

Senator Angus: I was standing in my kilt not long ago with all the regalia. I had been named Quebec Scotsman of the Year, and I thought that if the old man could have seen me, he would have loved it. If he could have been here today, he would have loved all the lovely things that you have said and by which I was so moved. I will treasure today's Hansard for the rest of my life. Thank you so much. I have had a fabulous time.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

PARLIAMENTARY LIBRARIAN

SECOND REPORT OF JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT PRESENTED

Hon. Marie-P. Charette-Poulin, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Wednesday, June 20, 2012

The Standing Joint Committee on the Library of Parliament has the honour to present its

SECOND REPORT

Pursuant to the order of reference from the Senate on Monday, June 18, 2012, House of Commons Standing Order 111.1(1), and the Order of Reference from the Commons on Monday, June 18, 2012, the Committee has considered the certificate of nomination of Ms. Sonia L'Heureux to the office of Parliamentary Librarian.

The Committee approves the appointment of Ms. L'Heureux to the office of Parliamentary Librarian.

A copy of the relevant Minutes of Proceedings (*Meeting No. 3*) is tabled in the House of Commons.

Respectfully submitted,

MARIE-P. CHARETTE-POULIN
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Charette-Poulin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING
SITTINGS OF THE SENATE FOR THE PURPOSE
OF ITS CONSIDERATION OF BILL C-38

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, for the purposes of its consideration of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, should this bill be referred to the committee, the Standing Senate Committee on National Finance have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

• (1510)

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF THE PROCEEDS OF CRIME (MONEY LAUNDERING)
AND TERRORIST FINANCING ACT

Hon. Irving Gerstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, Tuesday, May 15, 2012 and Tuesday, June 19, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and

Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 29, 2012, to December 31, 2012.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF MANAGEMENT OF GREY SEAL POPULATION
OFF CANADA'S EAST COAST

Hon. Fabian Manning: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on October 20, 2011, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on the management of the grey seal population off Canada's East Coast be extended from June 30, 2012 to December 15, 2012.

[Translation]

QUESTION PERIOD

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP—
SAFETY OF IMPORTED FOOD PRODUCTS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. The announcement that the Government of Canada will be participating in free trade negotiations with the Pacific Rim countries raises not just the issue of protecting our supply management system, but also the issues of environmental dumping and social dumping, which could plague Canada even more.

Dumping occurs when goods are imported at a price lower than their value because production standards in the country of origin are lower than those for goods produced in Canada. Some countries sell competitive goods on the Canadian market because their minimum wage, if it exists, is lower than ours, their labour rights provide less protection for workers than what is afforded to our workers, and their health and environmental standards are lower than Canada's. Thus, not only does our agri-food industry face unfair competition, but our societal model and food safety are also threatened.

Can the leader tell us if, as a member of the Trans-Pacific Partnership, Canada would strongly oppose imports of products that could erode the working conditions of Canadian workers and lower the quality of the products they produce?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I believe that most Canadians were very pleased with the news that Canada will be participating in the TPP.

As with any negotiation, nothing is agreed to until everything is agreed to by every party. Opening new markets and creating new business opportunities leads to jobs, growth and long-term and short-term prosperity for all Canadians. Of course, we all know the numbers, and we all know the shift to the Asia-Pacific region. This agreement will enhance trade in the Asia-Pacific region and will provide greater economic opportunity for Canadians and Canadian businesses all across our country.

Senator Hervieux-Payette: That answer is well read, but it does not answer my question. I will try another one.

As usual, we know that groups such as the *L'Institut économique de Montréal*, the Fraser Institute, some journalists from the *National Post*, and the Canadian Restaurant and Foodservices Association mobilized to demand that the federal government scrap supply management in the name of free market economics. These groups have been shut down every time by successive federal governments who have signed 11 free trade agreements since 1986. We understand that they were not successful, and we praise the government for that.

The Trans-Pacific Partnership raises serious questions about food safety, considering that the Conservative government has cut the number of food inspectors and conducts a minimal amount of inspections for imported food products. When will the government increase the frequency and thoroughness of the safety inspections of imported food products and guarantee that the food Canadians buy from other countries conforms to the same health standards that the federal government imposes on food producers in Canada?

Senator LeBreton: First of all, the honourable senator is quite incorrect when she says that we have cut food inspectors. The opposite is true. We have hired over 700 food inspectors since 2006. Budget 2012 included an additional \$15 million over two years to enhance food safety; so, quite clearly, wherever she is getting her information on how we are doing on food safety is wrong.

With regard to supply management, as I pointed out yesterday in answer to one of her colleagues, we have participated in many trade agreements with many countries around the world. Since we came into office, we have preserved Canada's supply management system. In any negotiations that the country is involved with, we will obviously go to the table and will not agree to anything unless all aspects of our economy are taken into consideration.

Senator Hervieux-Payette: I think we want to have a fair and level playing field for competition. I think all Canadians expect us to, but not at the cost of the quality of the product. Right now, we know that the Americans and the Europeans are heavily subsidizing their agriculture while, in Canada, we are managing some sectors. These sectors are doing very well, and we have some farmers who are making a decent living.

I want to know whether, in conducting these discussions, we will ensure that all of the standards applied to food products in Canada apply to imports. For strawberries that come from California, for instance, pesticides that are forbidden in Canada are used, and we still import them.

My question from the beginning was: Will we maintain the high quality of food that we produce in Canada and apply it to any product that might be listed in discussions regarding a free trade agreement?

Senator LeBreton: I have put on the record what the government has done in the food safety area. We have negotiated free trade agreements with other countries. We have maintained our supply management system. As I said to the honourable senator in answer to her second question, as in all international trade negotiations, our government will promote Canadian interests in all sectors of the Canadian economy.

Senator Hervieux-Payette: Perhaps we will end up agreeing. That would not be a bad thing, for once, for something that we share some interest in, which is the health of Canadians. Our farmers are bound to very high standards, with which they happily comply. They provide the best quality of food for Canadians.

I am asking the leader, will her government maintain that standard? Will it ensure, in the new policy, that these standards will be applied?

Senator LeBreton: All governments, I would hope, would approach any trade negotiation with the goal in mind of maintaining very high standards of food safety for all products coming into our country.

• (1520)

As I mentioned a moment ago, and I will hold to this statement as it happens to be true, our negotiators and our government will not enter into any agreement without factoring in all sectors of our economy.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD

Hon. Donald Neil Plett: My question is for my leader, who also happens to be the Leader of the Government in the Senate.

In December of last year, our government set the Western Canadian farmers free by passing some great legislation called Bill C-18, the Wheat Board bill.

After that, Allen Oberg and many of his directors decided to challenge what we were doing and went to court to get injunctions. On December 7 of last year, Justice Douglas Campbell ruled that Minister Ritz had done some wrong by our freeing Western Canadian farmers, much to the glee and joy of some members opposite who had opposed this legislation.

Our government, again wishing to stand up and protect the rights of the Western Canadian farmers, rightfully appealed this decision.

Just a few days ago a panel of three judges from the Federal Court of Appeal reached a decision in this matter.

Would the leader be able to tell honourable senators what that decision was?

Hon. Marjory LeBreton (Leader of the Government): That was a very good question.

Honourable senators, I will start off by saying that the success of the government on this particular file is due in large part to the efforts of Senator Plett in the Senate chamber, so he can take a great deal of credit.

Honourable senators, we are very pleased that the court overturned the order. The panel of judges unanimously agreed with our government. The Marketing Freedom for Grain Farmers Act is in force, and farmers are contracting their wheat and barley with suppliers of their choice, including a voluntary Wheat Board, for delivery beginning August 1 of this year. Marketing freedom is already building a stronger economy by attracting investment, encouraging innovation and creating value-added jobs. We are very pleased with the decision, and we thank Senator Plett for his efforts in this area.

Senator Plett: Could the leader also tell the chamber whether the court awarded costs to our government?

Senator LeBreton: It is a good question with respect to costs. I cannot comment, honourable senators, beyond quoting what the ruling actually said:

For the reasons set out above, I conclude that the scope of section 47.1 of the *CWB Act* does not extend to the *Marketing Freedom for Grain Farmers Act*. I would consequently allow both appeals and set aside the orders of Campbell J of the Federal Court. I would also order costs in favour of the appellants, both in this Court and in the Federal Court.

Beyond the judgment, honourable senators, there has been no further action, although we are now supported by the court, which says that costs can be recovered.

Hon. Percy E. Downe: Could the Leader of the Government in the Senate advise whether that decision will be appealed?

Senator LeBreton: I can tell honourable senators that if it were a Liberal government, the decision would be appealed, but it will not be appealed by this government.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY— AIRPORT SURVEILLANCE

Hon. Jim Munson: Speaking of a couple of different decisions with this government, my question is to the Leader of the Government in the Senate.

She reads the *Ottawa Citizen*, obviously, because she lives in Ottawa. There were two different headlines this week from one of her favourite newspapers: "Ottawa airport wired with microphones as Border Services prepares to record travellers' conversations."

An Hon. Senator: Big Brother is watching.

Senator Munson: It is bigger than Big Brother.

Then, my goodness, two or three days later: "Toews orders halt to airport eavesdropping."

The *Citizen* reported that the CBSA, the airport and all those people in there looking out for us secretly outfitted the place with microphones to eavesdrop on travellers' and employees' conversations.

Once the recordings began, the travellers would have had to visit the Canada Border Services Agency website or a telephone "help line" to learn how the recordings would be used and how long they would be kept. You are in that line, going through the airport, talking about things, just to make sure that your private conversations were not ones that were going to do something awful at the airport.

Even the union representing the Canada Border Services Agency employees was unaware of the installation of this equipment. It was all happening until the *Ottawa Citizen* began making inquiries about the matter last week.

This is not transparency. Had the *Ottawa Citizen* not broken the story, when would the government have informed Canadians about its intentions to eavesdrop on their conversations at the Ottawa airport and every airport in this country?

Hon. Marjory LeBreton (Leader of the Government): I do not read the *Ottawa Citizen*. I cancelled my subscription some months ago. I have better things to do with my mornings than read the *Ottawa Citizen*.

Obviously, honourable senators, we have great concerns, as do Canadians, regarding the privacy impact of this practice of the Canada Border Services Agency. As Minister Toews said Monday, we welcome the Privacy Commissioner's study of this policy. Minister Toews, as the honourable senator correctly pointed out, has directed the CBSA to halt audio monitoring until a privacy impact assessment can be submitted and recommendations can be reviewed by the government.

Obviously, privacy issues are of great concern to everyone, or should be. This was the proper decision, and we welcome the actions of the Privacy Commissioner.

Senator Munson: Honourable senators, who is on first in the Prime Minister's office? Who is on first in Minister Toews' office? Does a light not go on at the very beginning of the process about this privacy impact assessment, which allows the office of the Privacy Commissioner to review and make recommendations? Had anyone in this government thought about that before these audio devices were being installed?

Why would the government proceed with the installation of this equipment prior to the completion of a privacy impact assessment as required by the Treasury Board? Here we had the minister, after this story broke, standing up in Question Period saying the privacy rights of law-abiding Canadians are respected at all times; then he backtracks. Why does that have to happen?

Senator LeBreton: I do not think he backtracked at all. All agencies of government, especially the Canada Border Services Agency, are tasked with protecting Canadians, and, of course, they obviously have to have the right tools to catch smugglers, other criminals and undesirables we wish to keep out of Canada. It is equally important that these tools do not infringe upon the privacy rights of individual Canadians. As Minister Toews said, privacy issues are of paramount concern, and that is why we welcome the work of the Privacy Commissioner and her looking into this area.

Having said that, I do not think Minister Toews was saying anything other than the truth. Privacy rights are paramount.

Hon. Larry W. Campbell: Having Minister Toews in charge of public safety is like having Irma la Douce in charge of a nunnery.

• (1530)

I have two questions I would like answered. First, I would like to know who authorized the intercepts. Second, I would like an answer from government as to whether they have looked into the legality — forget the privacy rights — of hanging illegal wiretaps.

Senator LeBreton: Honourable senators, I will not comment on the *Irma La Douce* line. The honourable senator is trying to be funny, obviously, and I do not think he did a good job. He did not pull it off very well. I will take his question as notice.

Senator Campbell: I will be waiting for an answer.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the response to an oral question raised by Senator Cowan on May 8, 2012, concerning Philip Halliday.

FOREIGN AFFAIRS

SPAIN—DETENTION OF PHILIP HALLIDAY

(Response to question raised by Hon. James S. Cowan on May 8, 2012)

The Government of Canada is actively engaged in Mr. Halliday's case. Officials of the Department of Foreign Affairs and International Trade, including the Ambassador of Canada to Spain, have and will continue to provide Mr. Philip Halliday and his family with consular

assistance and support. The Government of Canada will continue to request that Mr. Halliday be afforded due process within Spanish law until the resolution of his case, and that his medical needs continue to be addressed.

Given the length of time that Mr. Halliday has already spent in detention awaiting his trial, the Minister of State of Foreign Affairs (Americas and Consular Affairs) sent a letter to the Spanish Minister of Foreign Affairs and Cooperation to reiterate our interest in a timely scheduling of Mr. Halliday's trial. The Minister of State of Foreign Affairs (Americas and Consular Affairs) has received a prompt response from the Government of Spain. Since this exchange of letters, the Government of Canada has followed up with Spanish officials in Ottawa and in Madrid.

While Mr. Halliday is ultimately subject to the laws and associated timelines present in Spain, officials from Foreign Affairs and International Trade Canada, including the Ambassador of Canada to Spain, will continue to engage Spanish authorities to register the Government of Canada's expectation for due process, fair treatment, and timely handling of Mr. Halliday's case.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of Professor Wilmer Penner and Ms. Sheila Penner, who are guests of the Honourable Senator Plett.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. JoAnne L. Buth moved second reading of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

She said: Honourable senators, I am proud to introduce today at second reading Bill C-38, the jobs, growth and long-term prosperity bill.

Having received examination by committees in both houses of Parliament, it is time that we expedite the passage of this legislation, a central component of the Government of Canada's Economic Action Plan 2012.

Honourable senators, the Government of Canada's Economic Action Plan is a proactive and pragmatic suite of measures designed to maximize economic growth and job creation without sacrificing fiscal discipline. That said, Bill C-38 and other aspects of Economic Action Plan 2012 should be viewed holistically, with consideration for the global and domestic economic circumstances which confront Canada.

Economic Action Plan 2012, and other efforts by this government to actualize Canada's jobs, growth and prosperity agenda, comes before us amidst the backdrop of the churning economic crisis in the eurozone. We are also considering Bill C-38 during a U.S. presidential election year, coinciding with a sluggish economic recovery, and mounting state and federal government fiscal challenges for our neighbours to the south.

This next phase of the Government of Canada's economic agenda will also be implemented at a time of stunted growth prospects and volatile economic conditions in several major parts of the world. Not to be forgotten is the fact that this Economic Action Plan unfolds in an era when Canadian governments at all levels — federal, provincial and municipal — continue to face pressing challenges of providing services and programs in a fiscally sustainable fashion for a dynamic, yet aging population.

Against this ever-evolving backdrop, Prime Minister Harper and Finance Minister Flaherty are to be commended for their bold economic and political leadership — leadership which is tangibly demonstrated in the jobs, growth and long-term prosperity bill. Considering the global economic circumstances that Canada has faced since 2008, many observers of the Government of Canada's actions could conclude that Canada has been very well-served by the clarity, insight and determination that Prime Minister Harper and Finance Minister Flaherty have brought to the job.

As Standard & Poor's credit rating agency stated in October 2011:

Canadian authorities have a strong track record in managing past economic and financial crises and delivering economic growth.

As CIBC World Markets chief economist Avery Shenfeld recently declared:

Canada's federal government remains the very picture of health, standing head and shoulders above many developed countries in terms of fiscal sustainability.

What these comments serve to illustrate, honourable senators, is that Canada has emerged from the recent global economic turbulence in the best shape of all G7 countries. Since the recession ended in July 2009, more than 750,000 new jobs have been generated by our economy, which represents the strongest job-creation record in the G7. Ninety per cent of these jobs have been full-time and over 80 per cent have been generated by the private sector.

Peering into the future, the OECD and the IMF are projecting that Canada will lead G7 countries in economic growth in the years ahead. *Forbes* magazine has ranked Canada as the best

country in the world in which to do business. As well, the World Economic Forum has concluded that Canada's banking system is the soundest in the world.

The world's major credit rating agencies have also looked positively upon Canada, consistently confirming the federal government's top credit rating. According to Moody's Investors Service, the Government of Canada's

... AAA ratings are based on the country's economic resiliency, very high government financial strength, and a low susceptibility to event risk. ... The economy's very high degree of resiliency is demonstrated by a high per capita income, the large scale of the economy, and its diversity ...

Honourable senators, these accolades and positive trends aside, now is not the time for Canada to put its feet up and take a rest. In the comprehensive plan and measures contemplated in Economic Action Plan 2012 and Bill C-38, the Government of Canada clearly recognizes this reality. Finance Minister Jim Flaherty appeared before the Senate's National Finance Committee and said:

As senators know, and as events in Europe demonstrate, the global economy remains fragile and challenges lie ahead. What is more, Canada is also facing greater and increasing competition from emerging economies. Canada cannot be complacent, and we cannot rest on our laurels. As the Irish poet William Butler Yeats once said: Do not wait until the iron is hot but make it hot by striking. That is exactly what we are doing through Economic Action Plan 2012, responding to challenges and opportunities that present themselves to support a strong economy today and achieve long-term prosperity well into the future. The plan is an unapologetically ambitious and comprehensive response to the equally complex global challenges that Canada faces today and will face in the years ahead.

The need to take the initiative in addressing the challenges that lie ahead has also been a preoccupation of Canada's highly regarded central bank governor, Mark Carney. Simply put, economic developments in other parts of the world have had, and will continue to have, consequences for Canadian workers, companies, households and governments at all levels. While Canada has more than recovered all the jobs lost as a result of the 2008 economic crisis and we have been the first G-7 country to recover to our pre-recession gross domestic product levels, challenges still remain.

According to Mr. Carney, the gravity and global nature of the recent recession has been such that our recovery from it — though more robust than other G7 countries — has been the most difficult since any major economic downturn Canada has faced since World War II. There is also a vital need to address productivity and competitiveness issues.

Honourable senators, having helped to thoroughly scrutinize Bill C-38 and Economic Action Plan 2012 as a member of the Senate's National Finance Committee, I feel that the Government of Canada is acutely aware of the need to address the competitiveness and productivity challenges confronting us.

• (1540)

In many ways, the Government of Canada is setting the table to facilitate our future economic successes. This is a major theme in the Economic Action Plan 2012's provisions for promoting innovation, facilitating environmentally-responsible natural resource development and business investment, and promoting work-friendly labour market conditions through reforms to Canada's systems of Employment Insurance and economic immigration. Combined with this government's ongoing efforts to streamline regulations and reduce business and personal taxes, its ambitious trade agenda and its robust support for infrastructure, many of Bill C-38's initiatives will serve to help us overcome the challenges.

I urge all honourable senators to embrace the proactive approach of Economic Action Plan 2012, for it is this approach that is necessary to address some of this country's most pressing needs. While Canada has recovered well from the recession compared to most developed countries, there are still some storm clouds on our horizon. For instance, Bank of Canada research points out that, measured in terms of various factors impacting on relative unit labour costs, Canadian firms are losing competitiveness vis-à-vis their counterparts in the United States. As well, despite the IMF's glowing projections for Canada's future economic performance, IMF figures show that Canada's share of world exports between 2000 and 2010 trails other G20 countries considerably.

Finally, consider the fact that 85 per cent of Canada's exports from 2000 to 2010 were directed at slow-growing economies, while only 8 per cent of our exports have been directed at rapidly-growing, emerging economies like China, India, Brazil or Korea, which now account for the bulk of global economic growth.

Honourable senators, I lay out these sobering facts and figures to illustrate that, while Canada has been a global leader coming out of the 2008 recession, we still have much work to do. The Government of Canada clearly acknowledges this reality with its jobs, growth and economic prosperity agenda. With their depth and far-reaching scope, Bill C-38 and Economic Action Plan 2012 respect the fact that we cannot yet take our foot off the gas pedal when it comes to growing our economy.

When asked about his approach to playing hockey, The Great One, Wayne Gretzky, asserted, "I skate to where the puck is going to be, not where it has been." Honourable senators, Canada's Economic Action Plan 2012 and Bill C-38 will get Canada skating to where the puck is going to be. They represent a constructive and balanced approach to helping Canada navigate the instability of the global economy.

The fact is that ongoing challenges remain for governments the world over. Populations are aging and financial institutions remain fragile in many countries. Unemployment persists at unacceptably high levels in many advanced economies. The recovery has been weak in the United States and in several areas of the eurozone. In the United States, joblessness stands at 8.3 per cent of the labour force, its 1983 level. In Britain, unemployment is at its worst in 17 years. In Europe, employment trends differ from country to country; joblessness is declining in Germany, but countries like Ireland, Greece and Portugal have unemployment levels not seen since the early 1990s.

Measured by real GDP per capita, a third of the 184 countries the IMF collects data from are poorer than they were in 2007. Countries that make up the European Union have done very badly: 22 of its 27 members have become poorer. Of the G7 group of large economies, only Germany has not backtracked. Countries in Eastern Europe and the Caribbean have also suffered.

Honourable senators, according to the Bank of Canada, the euro area recovery, which was weak to begin with, is effectively over. The Bank has also concluded that rebuilding U.S. wealth, as measured by household net worth to disposable income, will take a long time. Since the United States is Canada's largest trading partner, this is a disconcerting projection, for it may largely influence Canada's growth prospects.

[Translation]

Honourable senators, national debt is still a problem for many countries, and the international market has reacted by increasing borrowing costs significantly for countries with the highest debt levels.

[English]

However, as Prime Minister Harper has recently asserted, presented with these difficulties, some have tried to put forward a false choice — a choice between fiscal discipline and economic growth, between austerity and prosperity.

Honourable senators, with Bill C-38 and Economic Action Plan 2012, the Government of Canada is effectively rejecting this false choice. The central theme behind this government's approach to economic management is that economic growth and fiscal discipline are not mutually exclusive; on the contrary, they go hand in hand.

Bill C-38 and Economic Action Plan 2012 will set our federal government on course to return to a budgetary surplus by 2015-16. This balanced approach to addressing the deficit — a deficit that resulted from the worldwide economic crisis of 2008 — enables our government to make important investments to grow Canada's economy for the benefit of all Canadians. The suite of measures contained in Bill C-38 and the government's economic action plan also promote innovation and entrepreneurship, thereby serving as a foundation for Canada's continuing economic resilience. The priorities addressed in Bill C-38 and Economic Action Plan 2012 give me every confidence that, as a nation, we will continue to thrive in the face of the turbulent circumstances that the global economy will be navigating in the months and years ahead.

On a more personal note, honourable senators, I must say that I have a personal appreciation for the title of Bill C-38 — Jobs, Growth, and Long-Term Prosperity — because that could easily be my family motto, especially my mother's motto. The values and strength that she exemplified and taught to her children are supported by this budget. This budget echoes the values of everyday, hard-working Canadians and builds the structure we need for future prosperity.

A good income is an important goal we all share. We need personal income, corporate income and tax income to provide for our cities, our families, our environment and our health and social

programs. Our shelter, food, clothing, medical care and recreation all depend on income. We all need income. We all need meaningful work. We all need jobs.

I learned the importance of a job at an early age when my mother, who had a grade 8 education and four children out of five still at home, needed to support our family. Her first job was at a nursing home as a cleaner; her second was as a nurse's aide in a hospital. Her supervisor told her that she was smart enough to be a nurse, so at the age of 47 she went back to school to get her licensed practical nurse certificate. We went on social assistance for a year. She became a nurse. She loved what she did and did not stop working until she was 70 years old. She was still working with those she called "the elderly" when she retired, often helping people younger than she was.

She instilled this work ethic in all her children. I started work at age 15 in Eaton's department store in downtown Winnipeg and I have worked ever since, putting myself through university and moving through different industries before arriving at a most unexpected and honoured position as a Canadian senator.

As a senator who resides in the province of Manitoba, I think it must also be emphasized that Economic Action Plan 2012 continues with Prime Minister Harper's government's tradition of being sensitive to, and building upon, the unique needs and aspirations of individual provinces of Canada.

I have lived in both Winnipeg and in a farming community southwest of Winnipeg, so I am aware of the needs of urban and rural residents. Whether one resides in rural or urban Canada, people across our vast country can be assured that this budget does not cut major transfers for health care, education and other social programs. In fact, honourable senators, with the enactment of Part 3, Division 7 of Bill C-38, Economic Action Plan 2012 will deliver record federal transfer payments for hospitals, schools, universities, colleges and other critical services.

• (1550)

Honourable senators, I am also particularly pleased to see that the budget continues with this government's constructive agenda to nurture and expand Canada's agriculture and agri-food industry.

Agriculture and agri-food is a vital and thriving sector of our economy, one that generates roughly 8 per cent of Canada's economic annual output and approximately 2 million jobs. Although I was born in Vernon, B.C., and raised in the west end of Winnipeg, the Prairies are in my blood. I have worked in the agriculture industry in the Prairies for just over 30 years, and it has changed remarkably.

Trade and the free flow of goods and services are integral to the success of agriculture in Canada. I am pleased to see that the plan reiterates the Government of Canada's commitment to continue to aggressively pursue international trade agreements and more liberalized trade arrangements with other countries, including countries that make up the European Union and the Mercosur countries of South America. I was especially pleased at yesterday's announcement that Canada will join the Trans-Pacific Partnership discussion.

Proposals in Budget 2012 to streamline agriculture-related government bodies and agencies also emphasize the priority of this federal government that public spending on agriculture should focus on helping producers.

As Minister Ritz often says, Canadian farmers want to earn their living from the marketplace, not the mailbox.

Honourable senators, promoting economic growth and creating value-added jobs is integral to Economic Action Plan 2012. Take, for example, the measures with respect to responsible resource development in Part 3 of Bill C-38. In putting forward these provisions, the Government of Canada is advancing the view that Canada's review process for major economic projects does not serve the cause of environmental protection as well as it should, and this must change.

For instance, there is currently no direct enforcement mechanism in place under the Canadian Environmental Assessment Act to ensure major economic projects, such as energy and mining projects, comply with mitigation measures required by environmental assessments, measures that are necessary to protect the environment. Federally, accountability for these environmental assessments rests with many different departments and agencies, with each organization having its own mandate, processes, information needs and timelines. This creates confusion, delay and duplication. Energy, time and taxpayer dollars are wasted, as resources are spread too thin on many low-risk routine projects at the expense of major projects that may have great potential to affect the environment. Bill C-38 corrects this situation.

Consider when the Vancouver Fraser Port Authority had to conduct an environmental assessment to build additional office space in a pre-existing building at Canada Place. Even though most of the work was done on the interior of the building, rigid guidelines of current legislation stipulated that an environmental assessment had to occur.

Another example is a project in East Glassville, New Brunswick, to expand a maple syrup operation. The Atlantic Canada Opportunities Agency, as a federal agency, was required to carry out an environmental assessment because it was considering possible financial assistance to the project.

Honourable senators, if both of these cases did not involve federal government departments or agencies, environmental assessments would not have been required. These examples highlight the costs and resources that are expended with no meaningful protection of the environment.

Bill C-38 will change this. Its responsible resource development provisions will ensure resources are allocated and focused where they can do the most good, that is, on those major projects that may actually pose a risk to the environment. Bill C-38 will also ensure public participation and involvement, accountability for decisions, and stronger environmental enforcement and compliance tools.

Through improved environmental protection, Canada will also be better placed to address the concerns raised by Aboriginal Canadians.

The responsible resource development provisions of Bill C-38 increase the budget of the Canadian Environmental Assessment Agency so that it can conduct and complete high-quality environmental assessments in a much more timely and predictable way. This promotes efficiency, and anything that promotes efficiency is good for the economy and for job creation. However, there is balance in this government's responsible resource development agenda — a careful balance — that is sensitive to the long-term health of Canada's environment.

Honourable senators, in a similar vein, new initiatives surrounding Employment Insurance, as set out in Division 43 of Part 4 of Bill C-38, very much serve to fortify the jobs, growth, and long-term prosperity agenda.

In keeping with the Wayne Gretzky analogy of going to where the puck is headed, these initiatives are essential to allow Canada's economy to deal with significant labour market challenges in the years ahead. Specifically, as we all know, Canada's aging population will eventually lead to more labour and skills shortages that will impede our economic growth and competitiveness.

That is why we need to ensure the Employment Insurance program is geared to contribute to economic growth by helping Canadians get back to work and by equipping them with the skill sets employers are looking for.

[Translation]

That is why we have to make sure that the employment insurance program contributes to economic growth by helping Canadians go back to work and by ensuring they have the skills employers are looking for.

[English]

Bill C-38 will ensure EI claimants have the incentives to accept available work in their local community and ensure that they have the tools and information they need to successfully transition back into the workforce.

Bill C-38 will focus EI on promoting job creation, removing disincentives to work, supporting unemployed Canadians and quickly connecting people to available jobs.

At the same time, it will guarantee stable, predictable EI premium rates by restraining premium rate increases to 5 cents each year until the EI operating account is in balance, before transitioning to a seven-year break-even rate.

The Canadian Restaurant and Foodservices Association supported these reforms when it stated that the EI changes will:

... better connect workers to available jobs and will address Employment Insurance policies that limit the availability of workers.

The restaurant industry is already experiencing a serious shortage of workers in many parts of the country and demographics tell us that labour shortages — for both skilled and unskilled workers — will only worsen over time.

The Canadian Federation of Independent Business added:

We believe the changes to defining suitable employment, based on how frequently EI is claimed, will help to remove disincentives to work and hopefully make it easier for small firms to find the people they need.

... [Bill C-38's] changes are a small step to return some balance to the system.

Honourable senators, I would also like to draw your attention to the changes to the Fisheries Act included in Bill C-38, specifically in Division 5 of Part 3.

Once enacted, the modernized Fisheries Act will recognize the fact that we are in the 21st century and that Canada's fisheries protection regime must promote real, tangible strides toward dealing with threats to Canada's recreational, commercial and Aboriginal fisheries to benefit Canadians from across the country.

The changes reflect the view that it is not sensible or practical to treat all bodies of water — from farmer's drainage ditches to the Great Lakes — the same way and that long-overdue changes to the Fisheries Act are needed to focus on what is important to Canadians.

By making choices now, the government is taking the necessary steps to reinforce the fundamental strength and promise of the Canadian economy in order to sustain economic growth, create the high-quality jobs of tomorrow, preserve social programs and sound public finances, and deliver continued prosperity for generations to come.

In a similar vein, Part 1(b) of Bill C-38 introduces a significant modification to the Registered Disability Savings Plan.

With the passage of this piece of legislation, family members will now be permitted to open an RDSP for an adult individual who might not be able to enter into a contract.

• (1600)

Honourable senators, the Canadian Association for Community Living has responded positively to this initiative, saying:

We are very pleased to see the Government of Canada heard the message of people with disabilities and their families across the country. These changes mean that people will no longer be pushed to undergo a guardianship in order to access this plan ... The changes to the RDSP go some way to addressing the poverty faced by Canadians with intellectual and other disabilities by providing incentives and grants to save for future income security ...

[Translation]

Honourable senators, I would also like to draw to your attention the measures in Division 24 of Part 4 of Bill C-38, which will help maintain the viability of Canadian income support programs for seniors.

The Old Age Security program is the Government of Canada's largest program.

As our society ages, the cost of the Old Age Security program will increase from \$38 billion in 2011 to \$108 billion in 2030.

[English]

For this reason, with the passage of Bill C-38, the age of eligibility for OAS and GIS will be gradually increased from 65 to 67, starting April 2013, with full implementation by January 2029.

In advancing this policy, the Government of Canada has drawn attention to the view that the OAS modification is in keeping with the international best practices, as many OECD member countries have recently planned or announced increases to the eligibility ages for their public pensions and social security programs.

Honourable senators, let me emphasize that these changes will not affect anyone who is 54 or older as of March 31, 2012. To improve flexibility and choice for those wishing to work longer, our government will also allow for the voluntary deferral of the OAS pension, for up to five years, starting on July 1, 2013.

As recent census figures show, Canada is changing and Old Age Security must change with it if it is to serve the purpose for which it was intended while remaining sustainable and reflecting evolving demographic realities.

In the Senate we are sensitized to the impact that demographic change will have on society and government programs. In 2006 the Standing Senate Committee on Banking, Trade and Commerce, which was then chaired by former Senator Jerry Grafstein and deputy chaired by Senator David Angus, released a landmark report called *The Demographic Time Bomb: Mitigating the Effects of Demographic Change in Canada*. Honourable senators, reflecting the spirit of the Senate report and many of the proposed measures in Economic Action Plan 2012, we must continue to be vigilant in ensuring that government programs respond to society's needs, that they reflect the fact that people are living longer and healthier lives, and that demographic shifts will continue to have far-reaching impacts for people and governments across the country and well into the future.

Allow me to conclude by saying that, throughout the recent global recession, this government has never forgotten that our economy is not just about numbers but about people. We have secured our recovery by ensuring that our economic policies reflect the values and principles we share with Canadian families: delivering high-quality jobs, supporting economic growth and living within our means.

I am proud to have had this opportunity to be Bill C-38's sponsor in the Senate and to speak to this government's economic record. The firm direction and resolve that Prime Minister Harper and Finance Minister Flaherty are demonstrating — as evidenced by the pragmatic and measured tenor of Economic Action Plan 2012 — offer Canadians reassurance at a time when many of the world's economies and governments are facing stressful uncertainty. I believe that this constructive and forward-thinking

approach will continue to be conducive to job creation, yielding economic and social dividends for all citizens of this country, now and in the future.

Honourable senators, the budget and Bill C-38 are focused on jobs, growth and long-term prosperity. This is what my mother wanted for her family. This is what I want for my family, and I know that all Canadians want this for themselves and their families.

I would therefore urge all honourable senators to support Bill C-38.

Hon. Hugh Segal: Would Honourable Senator Butth take a question?

Senator Butth: Yes.

Senator Segal: May I, first, congratulate the honourable senator on an excellent speech and associate myself with her strong support for this excellent piece of budgetary policy.

In her speech the honourable senator made reference to the changes that are going to take place some time from now with respect to Old Age Security. I think she made the case quite eloquently that that is a rational response to demographic changes and reflects best practise. As honourable senators may know, now when individuals reach the age of 65, if their income is beneath a certain threshold there is something called the Guaranteed Income Supplement that tops them up. If their income is not sufficient, it gets topped up at that point. With an extension of the start of benefits to the age of 67, we face the prospect that some people who would have normally reached the age of 65 and have low income would not have access to the Guaranteed Income Supplement until they have access to the OAS itself, which is two years hence when the program begins.

Due to the government's careful and thoughtful planning, there is a long time between now and when this change will come into effect. Would my honourable colleague inquire as to what might be done when the program changes for those who turn 65 and are beneath the poverty line but not eligible for gains because one must be receiving the OAS before you can access the GIS? We have lots of time to sort this out, but I am sure the honourable senator's inquiry, as the sponsor of the bill, would have huge impact on what might be the plans of the government going forward.

Senator Butth: I thank the honourable senator for the question. Senator Segal is correct that the Guaranteed Income Supplement has given seniors additional income security. Since 2006, this government has increased the Guaranteed Income Supplement, including other things we have done such as income splitting and increasing the age credit. In some of the discussions that we had at pre-study of the bill, several issues were raised in terms of how the program would go forward. I think Senator Segal stated clearly, as I stated in my speech, that this needs to be done for the long-term security of the program and it is essential.

When and if this bill is passed, I would be pleased to start an inquiry that would take a look at how seniors will adapt to this measure and how, essentially, this program will roll out in the long term.

[Senator Butth]

Hon. Jim Munson: I have a supplementary question to that of Senator Segal, which was a good question. I would support any inquiry that would deal with that gap between the ages of 65 and 67 for those with disabilities. I will speak about that tomorrow. For those now under the age of 54, if they are living on disability pensions and a bit of work, that amount is not very much and they will find themselves in a tough spot.

My question is to add to that thinking of Senator Segal's and an inquiry to support, perhaps, an amendment down the line that could come from the Senate to enhance the lives of those who are now aged 53 and under. Time travels quickly and it will not become easier at the age of 65 to 67.

Senator Buth: I thank the honourable senator for his comment. I think there was as a question in there.

As I mentioned in my speech, the government has made changes to the RDSP in this bill. This government is taking a look at what we can do in terms of people with disabilities. I see no reason why that also could not be added to an inquiry and I would embrace the honourable senator's participation in an inquiry in the future.

• (1610)

Hon. Joseph A. Day: Honourable senators, I am pleased to rise in the debate on Bill C-38. First, let me join Senator Segal and the rest of our colleagues in congratulating Senator Buth as the sponsor of Bill C-38, this being the first omnibus bill that she has sponsored. I think that that is quite a major challenge for a new senator to take on, and I congratulate her on handling that in her speech.

Having said that, I remind honourable senators that there is an inquiry with respect to the budget itself, and that appears as Item No. 3 under inquiries. What we have before us today is not a discussion about the budget but a discussion of 700 clauses in Bill C-38, the implementation of the budget. We will try, on this side, to focus our remarks on the bill that we are being asked to consider and pass and to avoid entering into a general debate on the budget and its pros and cons.

Honourable senators, the size of this bill is horrendous, and that is part of the problem. I would like to talk a little bit about the process that we elected to follow so that honourable senators will understand where we have been in relation to this particular matter, within the Standing Senate Committee on National Finance, and just how we decided on the best way to handle this particular bill, with 425 pages of extensive amendments.

At the outset, I wish to thank the committee members. The committee members for this bill, when we were doing a study of the subject matter, were exemplary in their attendance on a regular basis. We met day after day after day, outside of our normal time, for five or six hours per day. The committee members on both sides were there and went through the work that we had to go through on this. There were 20 meetings and 114 witnesses on the Finance Committee side of things, honourable senators.

Later, I will provide for honourable senators the overall number of witnesses brought before various committees and the number of meetings of the various committees that took place to try to do the job that, at first blush, seemed insurmountable. The subject matter study that we undertook allowed us to proceed with the bill with haste when it arrived. The bill arrived on Monday evening, and here we are on Wednesday dealing with second reading of the bill.

Second reading, honourable senators, typically looks at the bill in principle because we really have not had an opportunity to look at it.

I suggest that we will have the opportunity to delve into some of the issues and policy matters that appear, and it is important that we do so. Then the bill will, after second reading, be referred to the Finance Committee, which is in a position to deal with the bill on a clause-by-clause basis, having had the opportunity to study it. That is a somewhat different procedure than we normally follow, honourable senators. This is a finance bill about budget implementation, in large part. This is also a bill to implement certain other measures, and that causes us some concern. It would have been easier for us if we had had the opportunity to deal only with the financial and fiscal aspects of the bill. Typically, when we deal with fiscal matters, especially in the Senate, we show some respect to the government, knowing that we are not a chamber of confidence that can result in the government falling by virtue of changes to the bill. We recognize that budget implementation is a fundamental policy statement of the governing party and the executive. Therefore, it is critical that we deal with this from a respect point of view, bearing that in mind.

In this instance, honourable senators, it would have been nice if the executive had shown the same respect to us as parliamentarians, both in the House of Commons and in the Senate, in giving us a bill that could be dealt with as a budget implementation bill as opposed to a bill. As is stated in the preamble to and description of the bill, this is Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012, and other measures.

It is the "and other measures" that we spent countless hours on, honourable senators, and it is the "and other measures" that caused us to deviate from the traditional way of dealing with fiscal measures in a budget implementation bill. That is one of the concerns that we had.

What were we to do, honourable senators? There were a number of things that we could have done and a number of manoeuvres that took place in the House of Commons because they had the same concerns that we expressed here. I would like to compliment and thank the leadership on both sides for showing some foresight and understanding in this matter and for knowing that there is no way that, if we received this bill on June 18, we would ever finish doing anything other than rubber stamping it, even if we worked all summer on it.

We have worked for several weeks on this, through the pre-study, and we also, honourable senators, referred certain aspects of Bill C-38 to other Senate committees that have expertise through time and the work that they have done in the past, and we asked them to look into those aspects.

Honourable senators, the Standing Senate Committee on Energy, the Environment and Natural Resources looked into Part III. There are four parts. One entire part dealt with environmental aspects, and we asked that particular committee to look into Part III.

Next honourable senators, the Standing Senate Committee on Banking, Trade and Commerce was asked to look into five or six different divisions that relate primarily to the types of areas in which they have developed an internal expertise.

The Standing Senate Committee on National Security and Defence looked into Division 12 of Part IV, which dealt with a bill in itself. It created a bill that had been twice before Parliament as a stand-alone bill. The same stand-alone bill was picked up and stuck into Bill C-38. It did not get through the last two times because of prorogation. That was through no fault of Parliament but was an executive decision. Now, they put it in a bill about budget implementation and say, "We will get it in this way because we will just say that this is budget implementation and has to be passed." That is the cynical part of putting that kind of subject matter into budget implementation. It dealt with Shiprider legislation, legislation that allowed for policing on nautical borders between Canada and the U.S. and policing across those borders, which are not evident when you are on, for example, the Great Lakes or the St. Lawrence River. It is reasonable legislation; it is unreasonable to ask a committee to deal with this as part of a budget implementation bill. The Standing Senate Committee on Transport and Communications dealt with another aspect of the bill, and the Standing Senate Committee on Social Affairs, Science and Technology looked into another aspect. Five different committees in addition to the Finance Committee were requested to study Bill C-38.

• (1620)

This is the first time we have followed this procedure. Perhaps it was an oversight, and we will know for next time, but in the order of this chamber to send different parts of the bill to different committees, there was no requirement to report back. It became evident a few weeks ago that the Finance Committee, which had the subject matter of the entire bill referred to it, knowing that the entire bill would be referred to it for clause-by-clause consideration, would not have an opportunity to study those other sections and would know nothing about them but would be expected to vote on them. We would be sitting there reading piles of transcripts wondering why the other committees went with this witness and not with that witness and why this question or that question was not answered. We would have been going for another two months on those sections that had been referred to the more expert committees.

Honourable senators, we requested that the chair and deputy chair of each committee that had studied a portion of Bill C-38 come before the Finance Committee and highlight for us their work, the challenges and any areas where there was a lot of discussion that we might want to look at. That flowed extremely well. I would like to thank all the chairs and deputy chairs of the committees for coming, some with written reports that they left with us and others with their lists of witnesses to show us the work they had done.

That is how the process unfolded, honourable senators, and the Finance Committee will be in a position, after second reading when this bill is referred to the committee for clause-by-clause

consideration, to deal with the matter fairly expeditiously, thanks to all the work done by many different committees in respect of government policy on fiscal matters.

Honourable senators, the various people who worked with us are deserving of thanks and mention at this time. In particular, the Clerk of the Finance Committee, Jodi Turner, did so much work to draw all of this together. When we get a bill of 425 pages with 700 clauses, tremendous pressure is put on the transcribing staff, the interpreters, and everyone because the committees meet five to six hours a day, day after day. It is important that we recognize that we cause extra work, and so we thank all the staff for their work, including Sylvain Fleury and Édison Roy-César, from the Library of Parliament, in handling this heavy load.

Honourable senators, I encourage each committee that studied a different aspect of this bill to participate in the debate at second or third reading and tell the entire chamber what transpired in their meetings.

A number of members of the Finance Committee will speak. Honourable senators have heard from Senator Buth, who is a wonderful addition to the Finance Committee and the sponsor of the bill. I hope that others will participate as well. I would propose that we proceed to deal with some of the various policy aspects, because I cannot deal with all of them — Part 4 alone has 56 divisions. In the time allocated to me, I will not be able to review each item. I will try to highlight some points that honourable senators seemed to be more concerned about or found to be unclear. Perhaps we can develop a discussion based on that.

With permission of honourable senators, I move to adjourn the debate to the next sitting of the Senate in my name for the remainder of my time.

The Hon. the Speaker: Honourable senators, it is moved by Senator Day, seconded by Senator Mitchell, that further debate on this matter be continued at the next sitting of the Senate in the name of Senator Day for the remainder of his time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Day, debate adjourned.)

[Translation]

ALLOTMENT OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, in my opinion, this bill is ready to be sent to committee at second reading stage. We tried to come to an agreement with the opposition regarding a process or a time to be allotted for debate at second reading, but we were unable to do so. I was unable to reach an agreement with the Deputy Leader of the Opposition regarding the time provided for second reading of Bill C-38.

Honourable senators, I give notice that, at the next sitting, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[English]

COPYRIGHT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Stephen Greene moved second reading of Bill C-11, An Act to amend the Copyright Act.

He said: Honourable senators, I have the pleasure of rising today to begin second reading in support of the proposed copyright modernization act, Bill C-11. This bill seeks to update Canada's copyright regime so that it better addresses the challenges and opportunities presented by the digital age. This bill is the product of considerable consultation over many years. Much work has been done to get to this point. I believe that it represents the best way forward to modernize Canada's copyright regime in a balanced manner.

Copyright affects the lives of most Canadians. It affects the student doing research for class, the video game designer coming up with his or her newest creation, and the consumer recording his or her favourite television show for later viewing. Copyright touches all segments of our society. Copyright also affects numerous sectors of the economy, directly or indirectly. These sectors include cultural industries, architecture, engineering, retail, telecommunications, information technology, educational institutions, and the list continues.

Honourable senators, copyright is a complex subject matter with many diverse interests and considerations. This bill represents a balance between respecting the everyday activities of Canadians in the digital era and the need to foster innovation with the need to help creators and rights holders to protect their works, combat ubiquitous online piracy, and flourish in the digital economy.

I believe the government has achieved this balance with Bill C-11. Bill C-11 will provide creators and copyright owners with the tools they need to protect their works and ensure they are fairly compensated.

• (1630)

At the same time, it will enable everyday consumers to make use of copyrighted material and allow them to participate fully in the digital age.

Before I elaborate on this, I would like to take a moment to talk about the long journey this bill has been on.

This is not the first attempt at copyright modernization. However, if passed, it will be the first successful attempt since 1997. The journey of this particular bill began in 2009. That summer, the government held national consultations to obtain Canadians' views on copyright reform. The response to these consultations was astounding. Thousands of Canadians actively participated in them, either in person or virtually. Over 30,000 individuals visited the interactive Copyright Consultations website, more than 8,000 written briefs were submitted by organizations and individuals and more than 1,000 Canadians participated in one of the live events held across the country.

Throughout all of these discussions and submissions, amid the diverse views on the way forward, one message rang clear: our copyright law is woefully out-of-date. We need to act. We must act. Three years later, we are almost at the end of this process.

In June 2010, the government tabled the copyright modernization bill in the last Parliament, where a special legislative committee began reviewing it. That work carried over to this Parliament, where a new legislative committee picked up where the last one left off before last year's glorious election.

Over these two years, the copyright modernization bill, in its two incarnations, has been debated in the House of Commons for over 30 hours. It has twice been studied by a legislative committee. Over 100 witnesses have testified before the committee, and many more individuals and organizations have submitted written briefs for consideration.

At the end of this process, as a result of the in-depth committee work, the bill was carefully amended to clarify the intent of certain provisions.

Honourable colleagues, the result of this process is a bill that will deliver, for both creators and consumers, a number of key improvements. It will create a clear and predictable legal framework that will foster innovation and economic growth. It will bring Canada in line with international standards, and it will give investors confidence when they invest in Canada.

Importantly, honourable senators, this bill will put Canada in a position to finally ratify the 1996 World Intellectual Property Organization Internet Treaties.

Think about that for a minute. The last significant update to our copyright regime was in 1997 — 15 years ago. How much has technology changed since that time? Let us go back before 1997.

Indeed, the legal challenges of the digital age are apparent when we look at the origins of copyright law. Copyright came about as a direct result of the very beginning of the information revolution, namely Gutenberg's printing press. Copyright was tied directly to that machine and grew as a result of the printing press's enormous

proliferation. As information travelled exclusively by way of typeset over the centuries, copyright was the ideal instrument through which writers could carve out a professional career and could do away with their previous source of income, which was royal favour by patronage. Music and movies later adopted the legal arrangement of copyright to grow their own industries. We are now in the digital age, and things are a bit different.

From the time of Gutenberg when the first form of information exchange as words on papers and in books mass-produced by a machine all the way to YouTube, the mediums over which information is exchanged have shown extraordinary growth and diversification. We live in an historic era as to what constitutes a method of information exchange, and the life of every senator in this chamber has been witness to these enormous changes. I am not suggesting by this that some of us remember Gutenberg personally.

In our lifetimes, we have used 8-track, 8mm film, 16 mm film, records — including 78s, 45s, and LPs on wax and on vinyl — all manner of tapes, CDs, DVDs, mp3s, Blu-ray, FLV files, Polaroids, Morse code, telegrams, telexes, fax machines, party-line phones, dialed phones, push button phones, car phones, cordless phones, cellphones and now smartphones, and so on. This is a remarkably fast evolution.

A way to consider this evolution in a legal context is to understand that as the printing press lost its prime position among mediums of information exchange, copyright's legal order and structure began to show signs of strain in adapting to the new mediums of information exchange.

The inability of the law in keeping pace with technology can be summarized with the following statement: Pirated material — with profit for the person copying and selling stolen intellectual property — abounds in markets around the world. It is a massive industry by any estimation and it is also a growing industry by any estimation. The digital age provides for far more pirating opportunities than the age of Gutenberg, with its very real pirates of yore, ever did.

Pirating is a massive illegal industry, and governments around the world must move against it. This aspect of the bill is crystal clear to many and is a policy issue with a very simple answer: government must adapt our nation's copyright legislation so that the creative portion of our economy can continue to be protected in the world's marketplace of ideas. In other words, the law should clearly favour the creator over the pirate in the production and delivery of a consumable item.

The vast majority of people on all sides of the debate around this bill agree with this. In that way, any bill that aims to modernize our copyright law must have, as a goal, the protection of the creative portion of our economy.

This bill aims to do just that. It takes important steps to give Canadian creators and rights holders a range of new rights that will help them thrive in the digital age.

Bill C-11 will allow authors, performers and music producers to control the "making available" of their works on the Internet. This will help creators fight online piracy.

It will also give copyright owners "distribution rights," which will enable them to control the first sale or other transfer of ownership of every physical copy of their work.

Performers will be given "moral rights," which will give them control over the integrity of their work and its association with other works.

Notably, this bill will finally give photographers the authorship rights that are already enjoyed by other creators. Photographers will become the first owner of copyright of the photographs they have taken.

Honourable senators, these rights for creators are given life through several new tools in the bill to enable them to better protect their works.

A notable aspect of the bill that works to protect the creative portion of our economy is the legal strength it gives to something called "technological protection measures," otherwise known as "digital locks." Digital locks are programs and codes that lock digital content to the consumer's device or devices. There are many kinds of digital locks, but their defining characteristic is by means of encrypting intellectual digital property so that it cannot be copied except under special and designated circumstances. This could include regional coding on DVDs or access controls on e-books. These digital locks exist to safeguard the products of intellectual property and to keep incentives in place for the production of more of them. This bill, with regard to digital locks, adopts internationally accepted measures to protect and promote innovation and creativity in digital products.

I am a firm believer that strong legal protection of intellectual property is necessary to promote excellence and genius. These aspects of the creative economy are sacrosanct and must have the full weight of government behind them in order that they remain in the driver's seat of our economy. I believe this without reservation. As I said previously, government must favour the creative link in the production chain, as it is vital to our success as a society, over a pirated distribution chain that provides little benefit to anyone other than the pirate.

However, it is important to remember that there is nothing in Bill C-11 that requires the use of digital locks. Owners of copyright can choose whether or not it makes sense for them to make use of such technology. At the same time, consumers can choose whether or not to purchase content that has a digital lock. That is how any marketplace should work.

Quite frankly, I know of no consumer, including myself, who is actually in favour of digital locks. Why? They limit my behavior and, in an ideal world, how can one be in favour of that? However, we have locks on our house, our car, our office, our briefcase, our luggage — in fact, on all of the possessions we care about or that have value. Many digital devices and websites that we use every day are password protected, unless unlocked, including our bank accounts. We have such locks to protect us from criminals or unwanted visitors. Ultimately, digital locks for copyright purposes also protect us because, without them, we would not have the range of new educational and entertainment products year after year after year that we enjoy. Thus, since creators benefit from digital locks, so do consumers.

• (1640)

In addition to the provisions with respect to digital locks, the bill also contains other measures that will help rights holders combat piracy. Online piracy steals significant sources of revenue from creators and copyright owners, which reduces the incentive to create. By giving copyright owners the tools to go after enablers of infringement, we can send a strong message that enabling online copyright infringement is not acceptable.

That said, we cannot end the conversation on digital locks right here. More needs to be said about them as the issue is more complicated than simply favouring the creative economy over digital piracy. This is because of the legal space digital locks exist within; more precisely, the legal powers that Bill C-11 gives digital locks pushes up against legal rights that are in fact much older than copyright law. These digital locks push up against the boundaries of property law.

Digital locks are on digital copies of books, music and movies that are purchased and owned by consumers. Consumers who have bought and legally obtained a movie on DVD, for example, enjoy ownership rights that have been agreed upon for millennia. Consumers own the copy of whatever it is they have bought. Preventing that consumer from using what they have paid for on the device of their choosing would be an unacceptable violation of private property rights.

To reiterate, digital locks are at the point of contact between copyright law and property law. The Internet, with the ease through which information is passed, is singularly efficient at bringing these two areas of law into very frequent contact and conflict.

That is where we find Bill C-11 and digital locks. They are together in the middle of two vital and important areas of property, each protected by law. This bill admits that this contact or conflict exists and seeks to balance these rights in the digital world. This is a complex task indeed. That is why we have heard from so many witnesses over many incarnations of this bill. That is why we have taken many opinions into account.

However, with a bill like this, everyone on every side must stand prepared to work together to find a compromise and the correct balance. The method of compromise that this bill uses is one of exceptions; in other words, the digital locks have a confirmed legal power in a general sense but cede their power to consumers in other specific areas.

The government has designed these provisions in such a way as to ensure that the average Canadian does not face unreasonable penalties for copyright violations that have not been carried out for commercial advantage or private gain. Specifically, Bill C-11 will limit statutory damages for copyright violations for non-commercial purposes and gives the courts the flexibility to consider proportionality when awarding damages.

Honourable senators, in addition to limiting statutory damages, this bill addresses directly some of these behaviours and realities that are commonplace for consumers, innovative companies, students and teachers in the digital age.

This bill reflects the interests of consumers. This can be seen in provisions that legitimize everyday activities of Canadians, that recognize that innovation in the digital age may require specific provisions to enable them to create, and that enrich the educational experience of students in every corner of the country.

With respect to everyday activities, I believe that Canadians should be able to continue to use the material they have legally acquired in a manner that is both convenient and practical. That is why the bill includes a format shifting exemption, which will allow Canadians to legally transfer the copyrighted material they have purchased to a device of their choice, for example, from a CD to an MP3 player, so long as the transfer is not protected by a digital lock preventing that. Similarly, the bill includes a new exception that would allow consumers, businesses and institutions to make and access backup copies of legally acquired content to protect against damage or loss.

To ensure that innovative software designers or technology companies are able to engage in the kind of market-changing, innovation-driven work that defines the digital economy, we have included in the bill specific provisions that will ensure that they are not impeded in their work. Specifically, the bill includes provisions that will give companies a clearer framework in which to conduct encryption research and security testing.

Finally, with respect to educators and students, this bill will enable them to make full use of new technologies and copyrighted material. Specifically, the bill extends the scope of fair dealing so that it now includes education. Fair dealing is not a new concept in copyrighted law. It permits individuals and businesses to make certain uses of copyrighted material in ways that do not unduly threaten the interests of copyright owners but which could have significant social benefits.

The changes proposed in this bill will expand the ability of teachers and students to make use of new digital technologies and products that enhance the traditional classroom experience and facilitate new models for education outside of the classroom.

It also includes measures that will allow libraries, archives and museums to take advantage of new technologies and provide electronic desktop delivery of inter-library loan materials. Bill C-11 also includes a measure that will allow libraries, archives and museums to make copies of copyrighted material in an alternative format if there is a concern that the original format is in danger of becoming obsolete, ensuring that we do not lose valuable cultural heritage.

These are all admittedly important exceptions and they are all protected in this bill. This is how balance is being sought. Digital locks need to have some new legal powers, but it is not a legal superpower that trumps all other rights. Moreover, our bill is consistent with emerging international law.

Honourable senators, up to now, I have described all of the new provisions in this bill that will help creators and users in the digital age, but we must also recognize that in the digital age, one of the most important parts of the equation is the intermediaries, such as Internet service providers, which are the ones that enable today's fast-paced, dynamic online exchange of ideas and

information. In this respect, this bill will make important changes to the law to ensure that intermediaries not only are protected but also are partners in protecting copyright.

In particular, this bill will formalize the voluntary "notice and notice" regime currently used by Canadian Internet service providers. Under this system, when an Internet service provider receives a notice from the copyright holder that a subscriber might be infringing copyright, it will be required to forward a notice to the subscriber in question.

This "notice and notice" regime recognizes the special role that Internet service providers play in the enforcement of copyright in the digital world. This approach provides copyright owners with the tools to enforce their rights while respecting the interests of users.

Furthermore, the bill respects the intermediary role of these services and introduces measures that ensure that Internet service providers will not be held liable for the copyright infringement of their users. The bill establishes safe harbours for Internet service providers when they act merely as intermediaries in the use of copyrighted material by third parties on their networks. Providing clear limitations on the liability of Internet service providers will ensure that they can continue to provide users with open access to the dynamic online environment.

This is how it has been arranged: a general legal power for digital locks, with exceptions to allow for the exercise of many property rights. This bill respects everyday activities and limits statutory damages, so we will not see the kind of absurd results that we have seen in some U.S. courts. It also considers the position of the Internet service providers. I think this is an appropriate way to address the critical issues this bill is designed to resolve.

For my own sense of why this arrangement was chosen as the best option, we will need once again to discuss the printing press.

For the years where the printing press was the dominant means of information exchange, the fixed cost of the printing press itself was incredibly high. It would have been difficult for anyone to profit from pirating distribution, as the cost of getting into business and buying a printing press would have been very high.

If we look at today, we can see that the fixed-cost situation has altered a great deal. The Internet provides for near zero fixed costs when it comes to the copying and distribution of information. In the movie industry, for example, we can see this clearly. Movies are made with creative budgets in the hundreds of millions. These movies aim to recoup their creative investment through a profitable distribution chain. These investments and innovations have led to artists who now dazzle us with their computer graphics, spawning a new frontier for young artists and thousands of wonderful jobs.

However, the Internet potentially sends this business model into a nosedive by letting new movies be copied by online pirates and then distributed according to their own distribution networks and their own profit. In other words, copyright once benefited from the protection of a high fixed cost of distribution, allowing

companies to grow their investments in the creative economy. This protection through high fixed cost has been erased by the Internet, and it threatens the creative economy.

The government must adapt that so that copyright enjoys protections that are necessary to ensure investments in the creative economy. If we fail to do so, these investments will dry up, and then innovation would cease. I would not bet on Western society as having a high chance of success if that were to be the case.

Honourable senators, the copyright modernization act must be adopted. What we have before us is a modern, flexible, forward-looking and balanced piece of legislation. Moreover, there is a provision in the bill that requires a parliamentary review after five years so that the bill can keep pace with changing digital technology.

It is imperative that we support the swift passage of Bill C-11. For these reasons, I urge all senators to vote for the adoption of this act.

(On motion of Senator Tardif, debate adjourned.)

• (1650)

SAFE FOOD FOR CANADIANS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Seidman, for the second reading of Bill S-11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed.

Hon. Robert W. Peterson: Honourable senators, I rise before you today to speak to Bill S-11, the safe food for Canadians bill. When questioned about this bill, the government has avoided any links to the budget. However, the success of the provisions requires adequate funding to enforce them. Investment is a key measure of safety in any industry. Less investment equals less safety. It is that simple.

While I agree with many of the amendments in this bill, I am concerned that a lack of funding will cause this bill to be a bone with no meat. I am concerned that Canada's food safety watchdog, the CFIA, will be even weaker than it was just prior to Canada's worst outbreak of food-borne illness in our country's history.

Food safety depends on the responsible management of both the budget and the bill together. The government should recognize this and act accordingly.

Let me begin by giving honourable senators two numbers that will put my argument into context.

In 2008, at the time of the listeriosis outbreak which killed 23 Canadians, the CFIA had a budget of \$738 million. By 2015, it will have a budget of \$677 million. Accounting for inflation, this is an overall decrease of \$61 million. Where will all these cuts come from? So far the government has been unconvincing in its argument that cuts will not affect front-line food safety.

Shortly after the tragedy, the government commissioned the Weatherill Report to identify weaknesses in food safety regulation. A number of findings were established and 57 recommendations were proposed. It was discovered that an inadequate number of inspectors were using an inspection system that was fatally flawed. One of the central recommendations, therefore, was that the government align food inspection tasks with available resources.

During the outbreak, Minister Ritz continued to maintain that meat inspectors were spending half of their time inspecting products, and that the other half of their time was spent reviewing reports. Minister Ritz could not determine the level of resources available or the resources needed to conduct compliance verification activities. Investigators were also unable to come to a conclusion concerning the adequacy of the program design, implementation plan, training and supervision of inspectors, as well as oversight and performance monitoring. The government had no idea how, why, and where resources were being allocated, especially when it came to front-line workers.

I should also note that neither the CFIA nor the minister were able to tell Sheila Weatherill how many inspectors were on the job immediately prior to the Maple Leaf Foods disaster. The minister then assured the special committee in the other place that dozens of food inspectors had been hired. It was later revealed that not a single new hire — zero — was actually doing food inspection. That is a far cry from the initial 700 that were claimed to have been added.

The government continues to claim that it has increased inspection staff at the front lines. Yet, front-line inspectors report no such increase. In fact, the government's 2012 budget will cut more than 100 front-line inspectors from the ranks of the CFIA.

We now know that when it comes to the size of the food safety inspectorate, the government covered up the truth and continues to do so. I highlight these points because the success of this bill rests on the premise that there were adequate front-line inspectors to actually enforce the provisions set out in the bill. However, I am not convinced of this.

Again, many of the provisions in the bill are positive. Provisions contained within previous acts conflicted with each other, and many of the definitions and compliance mechanisms were outdated.

Bill S-11 consolidates existing food safety statutes, including the Meat Inspection Act and others, into one act. It also includes provisions for closer government control of imports, the unification of enforcement powers, and the creation of new

authorities for food safety regulation. The bill also aligns Canada's food safety laws more closely with those introduced in the U.S. last year. This will hopefully promote the free flow of goods between both countries.

However, honourable senators should be aware that a fundamental overhaul of food inspection is in the planning stages. Driven by the inspection deficit that I mentioned earlier, one CFIA executive has described this change as "radical," as it could strip commodity expertise as inspectors for programs such that fish and meat become combined into a single class of systems inspectors. Changes could also hand off a big role to industry associations in enforcement of food safety requirements. For the record, this industry self-policing model is reminiscent of the conditions in place just prior to the listeriosis outbreak.

At this stage, staff shortages and confusion arising from the introduction of the new inspection system are rampant and we are once again seeing the effects of the cuts to food inspection contained in the government's 2012 budget.

An example of this is the dedicated program to clear and track shipments of meat imported into Canada. The program has been killed. The program was originally set up in recognition of the high-risk nature of meat products. This CFIA unit cleared 50,000 meat import shipments every year. It also carefully tracked key safety metrics, such as compliance rates, nature of violations and who the repeat offenders were. There will now be less inspection security of this high-risk imported product. Key intelligence that enables the tracking of products will also likely be lost when this program is cut because of the shortage of resources.

One of the primary goals of this bill is improved food safety oversight. One way the government intends to protect consumers is by introducing the "self-monitoring" of food labels.

This will theoretically allow concerned citizens to be involved in the feedback loop by notifying authorities of suspect food labels. There is also a label verification measure, an online tool to be included on the CFIA's website. This will allow consumers to take their complaints directly to the company.

These both sounds like great tools. However, before anything can be done, complaints need to be scientifically validated. We can only assume that a parent feeding their child cold cuts also happens to have a laboratory set which can render the fat content, sugar levels and sodium content of sandwich meats.

How are consumers supposed to see anything suspicious by just looking at a product? Most illnesses are unnoticeable, both by sight and touch. The reality is that without adequate resources, self-monitoring is a crafty way to avoid a very serious responsibility to protect citizens from harm.

The government also plans to protect the safety of food for Canadians by downloading service delivery onto the provinces. In the provinces of B.C., Saskatchewan, and Manitoba, the federal government plans to cut 40 federal inspectors and return service delivery back to the provincial government. While this is not in and of itself a bad thing, the immediacy of the cuts is

alarming. These cuts are estimated to have a quadrupling effect on those provinces' budgets. As a result, the provinces will be unable to deliver anywhere near the same level of quality protection.

Under the current system, a highly trained CFIA federal inspector visits the plants in these provinces whenever animals are being slaughtered. According to Bob Kingston, head of the inspectors' union and a former front-line inspector, this could be as often as once per week. Due to cutbacks, provinces such as B.C. are now considering a no-inspection option. This means the plants receive an annual visit from a representative of the Ministry of Health. Based on that representative's limited expertise, the plant could receive its relicensing approval. In these cases the health and safety of a food product will most likely fall squarely on the plants themselves.

• (1700)

In the case of all three provinces, there is no doubt that industry will be expected to bear the brunt of safety verification and reviews. This is problematic for several reasons.

First, people are people. Without an adequate oversight mechanism, people will be inclined to forget or cut corners.

Second, although companies like Maple Leaf Foods have taken extensive steps to safeguard against listeria, the fact remains that the government is relying on market mechanisms to handle a health and safety issue. Market mechanisms are acceptable where they belong — in the free market. In the case of food safety, it took the deaths of 23 people for the market to correct itself. This is unacceptable. The government cannot expect industry to deliver the consistent quality food protection that trained and experienced CFIA professionals can deliver.

The government will also point to the bill's deterrence mechanism. Fines will be increased from a maximum of \$250,000 to a maximum of \$5 million — even though a food safety fine has never exceeded \$100,000 and most complaints are not enforced. The fines are, according to Minister of Agriculture Gerry Ritz, intended to address people who would knowingly tamper with food safety, but it is not people who intentionally tamper with food whom we need to address. Instead, we should be worried about the large-scale companies operating on razor-thin profit margins who cut safety corners. While I can appreciate that the \$5 million is supposed to be a deterrent mechanism,

deterrent mechanisms only work if they are enforced. Cutting back front-line workers negates any impact of such a hefty fine. It is like having inadequate numbers of police officers to enforce a hefty drinking-and-driving fine.

Honourable senators, I would like to reiterate the fact that I support the basic premises of many of the measures in this bill. However, I do not believe that they will accomplish their objectives without adequate funding. I urge the government to provide the adequate resources to enforce the many positive provisions contained within this bill. Neither industry nor the consumer should bear the responsibility of having to protect themselves against a fatal disease — the last time I checked, that was still the government's job.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Plett, bill referred to the Standing Senate Committee on Agriculture and Forestry).

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being past 4 p.m., and the Senate having come to the end of Government Business, pursuant to the order adopted on October 18, 2011, I declare the Senate continued until Thursday, June 21, 2012, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, June 21, 2012, at 1:30 p.m.)

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OFFICIAL REPORT
(HANSARD)

Thursday, June 21, 2012



The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Thursday, June 21, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Lord Prior of the Venerable Order of St. John, Professor Anthony R. Mellows and Mrs. Elizabeth Mellows.

On behalf of all honourable senators, I welcome you to the Senate of Canada on the eve of the Feast of St. John.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

NATIONAL ABORIGINAL DAY

Hon. Vernon White: Honourable senators, I stand proudly today to speak about Metis, Inuit and First Nations, who make up the Aboriginal peoples in Canada.

Today is National Aboriginal Day, celebrating the first peoples of this country. I have worked with Canada's first peoples for most of my adult life. Working with Aboriginal people from three territories and three provinces in Canada, I have seen the challenges that Aboriginal people face. As well, I have seen the opportunities that Aboriginal people have found from within these challenges.

We have seen the difficulties within many of our Aboriginal communities, often brought on by the actions of others, for example, residential schools. However, this is an area where we are moving through a reconciliation process that will hopefully allow affected Aboriginal people and all Canadians a better understanding of the impact of residential schools upon these proud people.

The reconciliation process is not an Aboriginal process, I would argue, but rather time for reconciliation for all Canadians and a step forward toward improved relationships and increased opportunities between Aboriginals and non-Aboriginals.

Honourable senators, I suggest respectfully that all Canadians take the opportunity to better understand the path of Canada's first peoples. This education will allow us to better work with these communities to ensure and assure their place in our history and, as important, in our future.

Having lived within Aboriginal communities, I have seen the pride of Canada's First Nations, Inuit and Metis alike. Their history is rich. They were there to work alongside the first Europeans who arrived on this land, and they fought alongside those same Europeans in the War of 1812, the First World War and the Second World War. As well, they have been soldiers in every conflict participated in by Canada.

Having a relationship, both professionally and personally, with police officers from all three Aboriginal groups, who have provided me with a link with the communities I served and a door into those communities, has been an important aspect of my work and life. Without that door, I may not have been successful as a police officer serving those very communities.

Canada, in its relationship with our first peoples, is at a tipping point. The youth of Canada's first peoples want to be a relevant part of this country and the growth we are embarking on within this country. Whether it is the natural resource opportunities in the three northern territories or in the provinces across this country, we must find a way to work with our Aboriginal youth to ensure they are included as an important ingredient in our future Canadian success.

Honourable senators, today is a special day for all Canadians. We have an opportunity to thank Aboriginal people for what they gave us centuries ago: a home called Canada. Please take the time to engage our Aboriginal communities on this day and every day.

WORLD REFUGEE DAY

Hon. Mobina S. B. Jaffer: Honourable senators, every minute, eight people leave family and possessions to escape war, conflict and persecution.

Yesterday, June 20, 2012, the international community observed the United Nations World Refugee Day. I reflected on my own experiences as a refugee and said a prayer for all those men, women and children around the world who are desperately seeking protection.

According to the United Nations High Commissioner for Refugees, conflict, war and violence have separated millions of refugees from their loved ones, which is indeed the most devastating fate for an individual to face. Even one family torn apart by war and conflict is one too many.

In 2011, an estimated 4.3 million people were newly displaced as refugees due to conflict or persecution. More than 800,000 people were displaced as refugees across international borders, the highest number in more than a decade. Another 35 million people were newly displaced within the border of their countries, which was a 20 per cent increase from 2010.

António Guterres, the United Nations High Commissioner for Refugees stated:

2011 saw suffering on an epic scale. For so many lives to have been thrown into turmoil over so short a space of time means enormous personal cost for all who are affected.

Honourable senators, during a recent visit to Uganda I met a mother from Somalia named Fatima. Fatima had walked for literally 1,000 miles, alongside her five children, from a place near the capital Mogadishu to Dadaab in Kenya, which is the largest refugee camp in the world and is host to about half a million people. She had then found her way to Uganda in order to get away from the youth gangs at the camp.

She said that after walking for several days, her eldest daughter was gang raped by the militias while she and her other children were forced to watch. This of course traumatized her entire family. When they reached the Dadaab camp, she did receive help for her daughter. Although she was grateful for this, she learned that her sons had joined a youth gang and she was concerned for their safety.

Fatima explained to me that she and her family were living fairly comfortably before there was civil unrest in Somalia. Sadly, her husband and one son were killed and one of her other sons was missing. She fled from home with nothing but the clothes on her back as she wanted to protect the rest of her family. She told me that if she had known that fleeing her house was as dangerous as it turned out to be, she would have risked staying at home.

• (1340)

She had faced such horrendous difficulties, but was very focused on finding ways to help her family to resettle and for her children to restart their schooling. The more I learned about Fatima, the more I admired her. She found ways to stay strong and courageous, even in the face of extreme adversity. I will also respect the great lengths she went to protect her family.

Honourable senators, there are many courageous women like Fatima who have been forced to flee their home in dire circumstances to save the lives of their children. On this, World Refugee Day, I salute all these women and applaud them for their strength, courage and perseverance.

THE HONOURABLE LOWELL MURRAY, P.C.

CONGRATULATIONS ON HONORARY DOCTOR OF LAWS DEGREE FROM QUEEN'S UNIVERSITY

Hon. Elaine McCoy: Honourable senators, I rise today to share with you a delightful experience I had last week. I attended the convocation in Kingston at Queen's University on the occasion of a former colleague of ours, Senator Lowell Murray, receiving an honorary Doctor of Laws. Senator Murray received his first LLD in 2005 from his first alma mater, St. Francis Xavier University. Some in this place, including His Honour, are colleagues of his from that university. One month ago, the Cape Breton University awarded him an honorary Doctor of Literature.

I thought that the citation accompanying the Queen's University doctorate was particularly eloquent, and I will take a moment to share it with honourable senators. It was said of the Honourable Lowell Murray:

Distinguished Canadian Public Servant;
Graduate of St. Francis Xavier University and Queen's;
Champion of national unity, economic development
and democratic institutions;
And a parliamentary gentleman and master
of statesmanship debates;

[Senator Jaffer]

Respected also as a shrewd political adviser who shared organizational skills and critical insights essential to the success of national campaigns, along with offers of consistently sage counsel sought by those seeking high elective office;

Who has generously given more than three decades of exemplary service as an independent, very 'progressive' conservative senator, a chief of staff, chief negotiator, minister, cabinet committee chair and Leader of the Government in the Senate;

Known to possess encyclopedic knowledge of Tory Party history from his time at the centre of momentous Canadian political events including leadership reviews, the advent of Medicare and the Canada Pension Plan, Meech Lake and Charlottetown Accords and multiple economic developments in Atlantic Canada;

Whose quiet Cape Breton good humour flavoured more than 600 speeches, whence he declined to praise political opponents in public, in order to spare them the embarrassment of having to return his compliment;

Also an influential and seasoned observer of communications, political systems and elections, known to sound off about the importance of due process and electoral democracies;

And the key Senator who shepherded important amendments to Queen's Royal Charter, which authorized essential changes in operations and governance, and was passed by both Houses of Parliament with due diligence and no delay;

A dedicated and loyal Queen's alumnus whom we welcome home as we celebrate his long and illustrious service to Canada, delighted to present him with this highest award.

I would like to extend an invitation to all honourable senators to join me in congratulating our former colleague on this momentous event.

Hon. Senators: Hear, hear.

MRS. RITA JOE, P.C., C.M.

Hon. Jane Cordy: Honourable senators,

On the day I am blue,
I go again to the wood where the tree is swaying,
Arms touching you like a friend,
And the sound of the wind so alone like I am;

Whispers here, whispers there,
Come and just be my friend.

These words were found on Rita Joe's typewriter on March 20, 2007. They are the opening to her unfinished poem *October Song*, her last poem before she lost her battle with Parkinson's disease at the age of 75.

Honourable senators, I am pleased to speak again about another influential Cape Breton woman. She was born Rita Bernard in Whycocomagh, Cape Breton Island. She was the daughter of Joseph and Annie Bernard. When Rita was only 5 years old, her mother passed away; and at the age of 10, she was orphaned and bounced around from foster home to foster home.

Hoping to get an education and to better herself, Rita chose to attend the Shubenacadie Indian Residential School on mainland Nova Scotia. She stayed there until the eighth grade. It turned out not to be the experience she had hoped for. Rita recalled being taunted every day at the school and being told, "You are no good."

In 1954, Rita married Frank Joe, whom she had met in Boston. They returned to Cape Breton Island and settled on the Eskasoni Reserve. Together, they had eight children and adopted two more. Rita began writing in the 1960s and kept it a secret from her husband and children until her work was selected for an award in an annual writing conference held by the Writers' Federation of Nova Scotia.

On Cape Breton Island, there was a newsletter called the *Mimac News*. She began in the early 1970s to write to them periodically. The editor of the newsletter gave her some very good advice and told her to save her poems and to not throw them away. Over time, she gathered and saved a great number of poems, not knowing that one day they would appear in that very publication.

Rita Joe's first book of poetry, *Poems of Rita Joe*, was published in 1978. Altogether, she has had seven books published, including five poetry anthologies and an autobiography, *Song of Rita Joe*. Her poetry and activism have become a symbol and source of native pride. She has acted as an ambassador for native arts and culture throughout Canada and the United States. Rita has said of her work:

When I started the first time writing, I was trying to inspire all minorities with my work. To make others happy with my work is what I wanted to do.

This follows her belief that if you write in a positive way or think in a positive way about your culture, it will come back in a positive way.

In 1989, Rita was made a Member of the Order of Canada. In 1992, she was made a Member of the Queen's Privy Council for Canada, one of the few members who were not politicians. The following year she received an honorary Doctor of Laws from Dalhousie University. She was also the recipient of an honorary Doctor of Letters from Cape Breton University and an honorary Doctor of Humane Letters from Mount Saint Vincent University. In 1997, she received a National Aboriginal Achievement Award. She is the subject of a 1993 National Film Board of Canada documentary *Song of Eskasoni*.

Rita Joe has often been referred to as the poet laureate of the Mi'kmaq people, and her living legacy can be found in classrooms and universities where people continue to study her words.

Honourable senators, I look forward to sharing more inspiring stories with you of influential women from Cape Breton.

[Translation]

FRANCOPHONE REGIONAL RADIO

PLAMONDON-LAC LA BICHE
COMMUNITY RADIO 92.1 FM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I was very proud to attend the official launch of the Plamondon-Lac La Biche community radio station, 92.1 FM, on June 16, in Plamondon, Alberta.

Establishing a French-language community radio station is not easy. This achievement is the result of the efforts and energy invested by the members of the Plamondon-Lac La Biche community radio club and all the volunteers who have been working for many years with much creativity and tenacity in order to provide French-language community radio to the Plamondon-Lac la Biche region.

Community radio is indispensable to the development of francophone minority communities. In Alberta, the francophone population has grown considerably in recent years and this demographic trend continues. Therefore, the demand for community radio to meet the needs and interests of the francophone and francophile community is much greater. Minority communities, especially the remote ones, need to be able to tune in to local radio in order to share ideas, find services, listen to French music and hear stories about the people around them — local radio that promotes French through its content and its existence.

Today, the Alliance des radios communautaires du Canada has about 30 active members. Together, the alliance's stations have a listener base of roughly 600,000 francophones and francophiles all across Canada. Regional francophone media mirror society and provide communities with something they can identify with and define themselves by. They promote communication and connections among the members of a community. I am sure that the dynamic Plamondon-Lac la Biche community radio station will do just that.

Love live Plamondon-Lac la Biche community radio.

• (1350)

[English]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2011-12 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2011-12 annual reports of the Information Commissioner, pursuant to section 72 of both the Access to Information Act and the Privacy Act.

[Translation]

CONFLICT OF INTEREST AND ETHICS COMMISSIONER

2011-12 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2011-12 Annual Report of the Conflict of Interest and Ethics Commissioner in relation to public office holders, pursuant to section paragraph 90(1)(b) of the Parliament of Canada Act.

PRIVY COUNCIL

REGULATIONS AMENDING THE REGULATIONS IMPLEMENTING THE UNITED NATIONS RESOLUTIONS ON SOMALIA TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to section 4(1) of the United Nations Act, I have the honour to table, in both official languages, copies of the Regulations Amending the Regulations Implementing the United Nations Resolutions on Somalia, officially announced on June 7, 2012.

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY— SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Transport and Communications has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Wednesday, June 15, 2011, to examine and report on emerging issues related to the Canadian airline industry, respectfully requests supplementary funds for the fiscal year ending March 31, 2013.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on Thursday, March 29, 2012. On Tuesday, April 3, 2012, the Senate approved the release of \$44,176 to the committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DENNIS DAWSON
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1454.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Dawson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

IMMIGRATION AND REFUGEE PROTECTION ACT BALANCED REFUGEE REFORM ACT MARINE TRANSPORTATION SECURITY ACT DEPARTMENT OF CITIZENSHIP AND IMMIGRATION ACT

BILL TO AMEND—THIRTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and

Immigration Act, has, in obedience to the order of reference of Wednesday, June 13, 2012, examined the said bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

(*For text of observations, see today's Journals of the Senate, p. 1446.*)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Martin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

POOLED REGISTERED PENSION PLANS BILL

FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FOURTH REPORT

Your committee, to which was referred Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts, has, in obedience to the order of reference of June 14, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Tkachuk, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

ABORIGINAL PEOPLES

BUDGET—STUDY ON THE EVOLVING LEGAL AND POLITICAL RECOGNITION OF THE COLLECTIVE IDENTITY AND RIGHTS OF THE MÉTIS— SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Glen Patterson, for Senator St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 21, 2012

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 28, 2012, to examine and report on the evolving legal and political recognition of the collective identity and rights of the Métis in Canada, respectfully requests funds for the fiscal year ending March 31, 2013.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on April 26, 2012. On May 1, 2012, the Senate approved the release of \$282,750 to the committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GERRY ST. GERMAIN, P.C.
Chair

(*For text of budget, see today's Journals of the Senate, Appendix B, p. 1462.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Patterson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON EAST AND WEST COAST NAVY AND AIR FORCE BASES—SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Pamela Wallin, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday June 21, 2012

The Standing Senate Committee on National Security and Defence has the honour to present its

SEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 28, 2012, to examine and report on Canada's east and west coast navy and air force bases, requests funds for the fiscal year ending March 31, 2013 and requests, for the purpose of such study, that it be empowered to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PAMELA WALLIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1468.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Wallin: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be considered later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Day: What is the urgency?

The Hon. the Speaker: Explication?

Senator Wallin: We are attempting to make travel arrangements and give the military as much notice as we can for these trips. We wanted to move expeditiously if we could.

The Hon. the Speaker: Is leave granted for later this day?

Some Hon. Senators: No.

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

FIREARMS ACT

STUDY ON PROPOSED FIREARMS INFORMATION REGULATIONS—FIFTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TABLED

Hon. Bob Runciman: Honourable senators, I have the honour to table, in both official languages, the fifteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with proposed firearms information regulations.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES OF DISCRIMINATION IN HIRING AND PROMOTION PRACTICES OF FEDERAL PUBLIC SERVICE AND LABOUR MARKET OUTCOMES FOR MINORITY GROUPS IN PRIVATE SECTOR

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on October 26, 2011, the date for the final report of the Standing Senate Committee on Human Rights on issues of

discrimination in the hiring and promotion practices of the Federal Public Service, to study the extent to which targets to achieve employment equity are being met, and to examine labour market outcomes for minority groups in the private sector be extended from June 30, 2012 to June 28, 2013.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON MONITORING THE IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN A REPORT ON THE STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on November 2, 2011, the date for the final report of the Standing Senate Committee on Human Rights on the monitoring of the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children* be extended from June 30, 2012 to June 28, 2013.

• (1400)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUE OF CYBERBULLYING

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on November 30, 2011, the date for the final report of the Standing Senate Committee on Human Rights on cyberbullying in Canada be extended from October 31, 2012 to December 14, 2012.

MAINTAINING MERCHANTS' RECORDS OF SALES OF NON-RESTRICTED FIREARMS

NOTICE OF INQUIRY

Hon. Joan Fraser: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I shall call the attention of the Senate to the desirability of maintaining merchants' records of sales of non-restricted firearms.

[Translation]

OMAR KHADR

NOTICE OF INQUIRY

Hon. Roméo Antonius Dallaire: Honourable senators, I give notice that two days hence:

I shall call the attention of the Senate to the case of Omar Khadr, the first person to be prosecuted for war crimes committed while a minor, and further call on the Senate to demand his repatriation without further delay.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY HARASSMENT IN THE ROYAL CANADIAN MOUNTED POLICE

Hon. Grant Mitchell: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate Standing Committee on National Security and Defence be authorized to examine and report on harassment in the Royal Canadian Mounted Police; and

That the committee submit its final report no later than June 30, 2013.

[English]

QUESTION PERIOD

INDUSTRY

STATISTICS CANADA— INFORMATION ON INCOME AND LABOUR

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate. This week it was announced that Statistics Canada's Survey of Labour and Income Dynamics, which goes by the acronym SLID, will no longer produce longitudinal data. This is data that is needed for comparison year after year of different trends in the economy and in family life.

This gutting of the SLID has profound consequences for Canada. It is one of the most important sources of data on income and labour. It is unique and invaluable in that it tracks the economic well-being of individuals, families and households over time. It provides crucial insight into the nature, extent and trajectory of low-income Canadians, which is particularly valuable in the current discussions about tracking income inequality over a period of time.

A diverse range of policy researchers, scholars and organizations rely on the SLID's longitudinal data. The data is crucial for informing evidence-based policies that are effective at improving the lives of low-income individuals and families in this country.

What is the government's rationale for discontinuing the longitudinal dimension of the Survey of Labour and Income Dynamics?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I read the report on LICO that came out of Statistics Canada. I would have thought the honourable senator would have made note of the fact that the percentage of people who live below the LICO level — the poverty line, as we call it — in Canada has fallen from 9.5 per cent to 9 per cent.

I read the whole article. He and I have a different perspective of Statistics Canada's analysis of the data. The fact is that Statistics Canada, like all agencies of government, has a mandate to provide surveys and data in accordance with its priorities.

Honourable senators, I will be happy to take the question as notice and refer it to the good folks over at Statistics Canada.

Senator Eggleton: The good folks at Statistics Canada think it is important that their budget got cut quite heavily and the government decided it did not need this; yet the leader just cited a good reason for it. She just said the number of people below the LICO has gone down to 9 per cent from 9.5 per cent or 10 per cent. It goes up and it goes down, but it is over 3 million Canadians. That is still a lot of Canadians.

How will the government measure that if we cannot do the comparisons in subsequent years, if we get out of doing the longitudinal data?

Does the government have plans for new longitudinal surveys on the labour market to replace the SLID? If so, how will the government make sure that new surveys cover all the data gaps that result from discontinuing it? How will the government ensure that there is managerial capacity and funding available to match the long-term needs of the longitudinal survey?

Senator LeBreton: Regarding the so-called cuts — I call them savings — that Senator Eggleton keeps referring to, all departments and agencies of government came to a subcommittee of Treasury Board and presented proposals with regard to their spending envelope of savings from 5 to 10 per cent, which was a very reasonable, relatively easy figure for most of them to work with.

All departments provided these figures. All departments and agencies are responsible for fulfilling their mandate, and all departments and agencies have ample funds to fulfill the mandate that they are charged to implement.

Senator Eggleton: I think putting them between a rock and a hard place is not a great way to run this system, but I appreciate that the minister has said she will take it as notice and I look forward to her further comment.

INTERNATIONAL COOPERATION

DEVELOPMENT ASSISTANCE LEVELS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate. I am very much aware that we in Canada are facing many economic challenges, but at this time I believe we also have to look at the most unfortunate and needy in the world.

In 1969, the Pearson commission proposed a now universally acknowledged target for official development aid. It was 0.7 per cent of the donor's gross national income. Canada was recognized as an international leader. The world is calling for Canadian leadership once again. The Organisation for Economic Co-operation and Development reported on Tuesday that Canada's aid has fallen by over 5 per cent between 2010 and 2011 to just 0.31 per cent of our gross national income.

Canada is not alone. Nearly all developed countries trumpeted the 0.7 target, but only five have met the goal. The OECD report tells us that given Canada's economic outlook, there would appear to be potential for increasing aid volume.

Canada has a history of international leadership on this file. It is uniquely placed to lead by example. Canadian leadership is about demonstrating the humility and fortitude to declare we must do better.

Would the minister please share with us Canada's plans for the coming years and for raising our development assistance to 0.7 per cent of gross national income?

Hon. Marjory LeBreton (Leader of the Government): I thank the senator for the question. Our government, of course, has received the OECD report. We will seriously consider the findings and the recommendations in that report.

However, I must point out that since our government took office in 2006 we committed to making Canada's international aid assistance more effective, more focused and more accountable. The OECD even acknowledged that our efforts are more concentrated.

While there will always be areas, honourable senators, for improvement, the peer review confirmed that Canada's progress to untie aid and focus its efforts by country and themes is achieving important and meaningful results. We were very pleased to see that acknowledgment by the OECD.

For example, the report commends Canada for the promise it has made to untie all of its aid by 2013 and for the progress it is making towards that aim, particularly for entirely untying its food aid.

• (1410)

Honourable senators, I have already put on record many times in this place — and Senator Jaffer has acknowledged this — that significant funds have been expended by the government under the maternal and child health envelope to countries like Bangladesh, Mozambique, Ghana, the Democratic Republic of the Congo and Malawi.

These focused, targeted resources have had real impact in addressing many of the concerns when compared to a scattergun approach that really did not achieve many good results at all.

Senator Jaffer: Honourable senators, I agree with the leader. She knows that on many occasions I have come back from working in different areas and acknowledged Prime Minister Harper and his government's leadership, especially on maternal health. However, no one here will be surprised by the fact I want us to do more.

Therefore, I would ask the leader a supplementary question. The first premise is courtesy of the OECD. Given Canada's outlook, there is a potential to increase aid volume to 0.7 per cent of the gross national income. The second premise: Canada is committed to meeting its goals and to helping to eradicate global poverty. The logical conclusion is that Canada will increase aid to 0.7 per cent of the gross national income. This is what the OECD

is saying. To reject these premises and the logical conclusion that follows from them would be to suggest that Canada's economic outlook or commitment to development aid does not match those of countries such as Sweden, Norway, Luxembourg, Denmark and the Netherlands — countries that have met the goal.

May I ask the leader what percentage and what point we will aim for in the next budget year?

Senator LeBreton: I thank the senator for the question. I think I addressed that in the first part of my answer. The government will seriously consider the findings and recommendations of the OECD review. Any recommendations they made will be taken into consideration by the government.

Again, though, I point out that the OECD has complimented Canada on directing our aid on fewer thematic and geographical priorities. I and the government appreciate the comments of the OECD in this regard.

Having said that, I wish to point out that the government welcomes the report from the OECD and will seriously consider all of its findings and recommendations.

[Translation]

PUBLIC SAFETY

STATUS OF OMAR KHADR

Hon. Roméo Antonius Dallaire: Honourable senators, this is not the first time that I have asked this question, but this matter continues to drag on because the person in question remains in prison. Could the leader inquire of the appropriate minister, perhaps even the Prime Minister, and tell us when the repatriation of Omar Khadr will take place in order for him to serve his seven-year sentence here, in Canada, as agreed by the United States and Canada?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thought we would get through a full couple of months without a question on Omar Khadr, but I thank the Honourable Senator Dallaire for the question. My answer will not be much different than the answer I gave in the past, but it is my answer nonetheless.

Mr. Khadr is a Canadian citizen that pled guilty to the murder of an American Army medic. The U.S. no longer wants him and has asked us to take him. A decision regarding his application has to be made in accordance with Canadian law.

Senator Dallaire: Things change, however, although the response has not, because I have been at this since 2006. The previous responses were, "Well, it is in due process," and "We have to let the process in the United States run its course." Now we have the response that we are, in the methodology of the government, working out the modalities of his return.

It is interesting that on April 16 the only department in the United States that was holding back the file — having gone down there to discuss it with them — was the Pentagon. On April 16,

the Secretary of Defense in the United States signed off on the move of Omar Khadr from Guantanamo Bay to Canada. The lawyers and staffs in the United States have been trying to talk with the Canadians, who do not even come to the meetings on working out the modalities of that.

Therefore, we signed a deal. It said that he would be repatriated within an appropriate period of time. The average time is about nine months, but it has now been over a year since the original recognition by the government of the sentencing and acceptance thereof.

If all the technical stuff has been sorted out, what is the reason that we have not gotten him on a plane and into one of our institutions to incarcerate him for the rest of his sentence?

Senator LeBreton: Honourable senators, I cannot answer for what has taken place in the United States. I can only repeat what I said a moment ago: A decision has to be made on his application in accordance with Canadian law. That is all I can report today. No matter how many times the question is asked, that is the only answer I can give at the moment.

Senator Dallaire: Honourable senators, it is not a question of law. The leader's response is off the target. The law has been sorted out; the procedures have been sorted out to ensure that the law is being applied. The treaties between the two governments have been agreed to and signed. The different ministries involved have done their work to implement this agreement that, within one year of the sentence being applied in Guantanamo Bay, Omar Khadr would be repatriated.

Yes, the Canadian government has leeway in doing the analysis of whether to repatriate him, and how and when. However, that normal time frame has already passed. On top of that, the Americans are now embarrassed by holding him in Guantanamo Bay given that other treaty agreements for other incarcerated individuals are being put at risk because a country like Canada, the next door neighbour and firm ally of the United States, does not want to hold up its side of the deal.

It is not procedure or law; it is political. What is the political hang-up of implementing what we have signed in law to get this individual here and into our prisons?

Senator LeBreton: Honourable senators, again, Senator Dallaire has put on the record his view of the matter and what has transpired. I can only say that, yes, Omar Khadr is a Canadian citizen and a decision about him has to be made in accordance with Canadian law. There is nothing more I can add at this point in time.

I am aware of Senator Dallaire's interest. I am aware of a media conference he had earlier today, although I did not see it. Having said that, there is a process and a decision has to be made in accordance with the laws of Canada. I cannot comment regarding what has transpired in the United States of America, as my honourable friend can understand.

Senator Dallaire: On a supplementary, would the leader be in a position to inquire of the appropriate ministries about what law is being applied and what law is holding up this process? I will not negate any response in that area, but I have an enormous problem

accepting from the leader an answer that we are working within the law when in fact there is not a law involved in this. If the leader says so, would she be so kind as to provide me with that reference so I can educate myself regarding the nature of the hang-up?

Senator LeBreton: Not being a lawyer — thank God — I will simply ensure Senator Dallaire's question is brought to the attention of the Minister of Public Safety.

• (1420)

FISHERIES AND OCEANS

FISH HABITAT ALONG ENBRIDGE NORTHERN GATEWAY PROJECT

Hon. Elizabeth Hubley: Honourable senators, my question is directed to the Leader of the Government in the Senate. Earlier this week, Postmedia News reported that, through access to information requests, it uncovered documents suggesting major disagreements between Department of Fisheries and Oceans scientists and Enbridge over the importance of fish habitats along the proposed route for the Northern Gateway pipeline.

It seems that DFO biologists were troubled by Enbridge's approach to habitat protection, as the pipeline will cross over 1,000 waterways, some of which are very environmentally sensitive. DFO biologists were concerned that Enbridge's approach was based on profits rather than prudent risk management and habitat conservation and therefore could threaten the health of the surrounding ecosystems.

In the two years since Enbridge submitted its Northern Gateway pipeline proposal, the company's lobbyists have maintained a significant presence on Parliament Hill. Can the leader assure us that when the government decides to make major changes to legislation protecting fish habitats, it does so with a view to the long-term health and sustainability of our natural environment and not to the short-term financial goals of the large corporations with a team of well-paid lobbyists?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I saw the story in Postmedia. When I read the story, I took from it proof that the system is working. Species have been identified, and the government is providing and will provide guidance to protect those species. Although they talk about a private company, from the government's point of view, it proves that the law is actually working. The government will, of course, provide guidance to protect the various species that may be at risk.

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP

Hon. Robert W. Peterson: Honourable senators, my question is directed to the Leader of the Government in the Senate. It is further to my questions of a few days ago.

I note that the noose is tightening on the Trans-Pacific Partnership deal. One day after Canada was invited to join the club, the United States, Australia and New Zealand are demanding access to Canada's dairy and poultry markets.

Would the leader agree with me that it is only a matter of time before supply management is sold down the river?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, I do not react to news stories, which are often quite inaccurate. I do not like very many of them, Senator Mercer.

The fact is that since we came into government, we have been involved in many trade agreements with many countries. In all cases, our supply management system has been protected.

As I said in response to the honourable senator a couple of days ago, it is in Canada's interest to be at the table for the TPP. However, at the same time, Canada will enter the negotiations with a view to strengthening Canada's economy in all sectors and in every region of the country.

FOREIGN AFFAIRS

PASSPORT CANADA—IMAGES IN NEW PASSPORTS

Hon. Nancy Ruth: Honourable senators, I understand that Canada is producing an excellent new passport that contains many new security features to protect against forgery. I also understand that the blank pages are to be imprinted with various images from Canadian history. My understanding is that in the first draft they were primarily military images, and in fact all of them were about men. Can the minister assure me that, on the second and third drafts, at least 50 per cent of the images will be of women?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I absolutely had not heard that. This is the very first time I have heard that we are designing a new passport. The honourable senator is way ahead of me. It is not the first time; that is for sure. I will be happy to take the honourable senator's question as notice.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: first, Bill C-11; second, Motion No. 43, time allocation; third, Bill C-38; fourth, report on Bill S-9; fifth, Bill S-10; sixth, report on the librarian; seventh, Bill C-23; and eighth, inquiry on the budget.

[Senator Peterson]

[English]

COPYRIGHT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Finley, for the second reading of Bill C-11, An Act to amend the Copyright Act.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak to Bill C-11, An Act to Modernize the Copyright Act. You will find no debate amongst stakeholders on the issue of whether the Copyright Act requires modernization. With the speed of advancement in how we process information for all purposes, whether it be for learning, entertainment or business, Canada's Copyright Act needs to catch up with technological advancements in the digital world.

Having said this, we do find a great deal of debate regarding the manner in which this bill has been received by Canadians from all walks of life. While it is difficult to make everyone happy when writing legislation such as this, it should not be the end product of such an effort that so many would be made unhappy.

It is interesting that Canada did not possess its own copyright laws until 1924. For 58 years, from 1842 to 1911, Canada was regulated by British copyright laws, and these were basically protectionist against cheap American copies of books published in Britain. Great Britain disallowed the importation of copies and also placed a 35 per cent tax on books coming from the United States. These regulations were gradually reduced under pressure from Canadian publishers, but the British maintained control of Canadian copyright law until the passage of a Canadian Copyright Act in 1924, which was basically an identical copy of the previous British legislation.

Serious Canadian copyright legislation did not emerge until a royal commission that studied the issue for six years between 1954 and 1960, followed by a 1977 report entitled the "Keyes/Brunet Report," and a 1984 white paper on the issue, which culminated in an overhaul of the Copyright Act in Canada in 1988.

In 1997, a second round of amendments was passed, which also included a review of the act. This resulted in Bill C-60, which was introduced in 2005 but never passed. I would like to note that much of the history of copyright that I have mentioned comes from a wonderful resource called the Maple Leaf Web, which I credit so as not to infringe its copyright intellectual property rights.

In any case, copyright law in Canada has evolved over the last century and a half, most significantly in the 1980s and 1990s, with international agreements also playing a significant role in its development. This brings us to today and this second version of the current government's copyright revisions, Bill C-11.

The concerns that have arisen with regard to this bill are not trivial. Indeed, concerns range from a perceived bias toward corporate Canada at the expense of consumers and creators, and even to the constitutionality of some aspects of the bill. Today I would like to highlight some of the concerns the Liberal Party has when it comes to Bill C-11 and touch on some of the issues that have been expressed at committee stage by stakeholders in the other place.

Honourable senators, one of the most controversial aspects of this bill relates to the digital lock provisions. There have been many complaints that have been ignored by this government. These complaints come from stakeholders who have thoughtfully formulated their arguments in an attempt to explain to the government the error of this particular provision in the bill.

As it now stands, the digital lock provision trumps all provisions in Bill C-11 when it comes to transfer of information.

• (1430)

The Canadian Library Association's submission puts it this way:

The prohibitions on the circumvention of digital locks in Bill C-11 exceed Canada's obligations under WIPO copyright treaties. Bill C-11 gives a new right to copyright owners negating the flexibilities in the Internet Treaties and directly contravening the basic, longstanding individual rights sanctioned in Canadian copyright law.

Honourable senators, there was no need to go beyond the World Intellectual Property Organization's agreed-to policy on digital locks. Canada needs only to calibrate its law with that of the World Intellectual Property Organization signatories to be in compliance. Why go beyond this international agreement?

As my colleague the Honourable Geoff Regan pointed out in the other place, the Conservatives were attempting to meet the demands of the United States of America. This was confirmed when WikiLeaks revealed diplomatic cables between Canada and the United States that showed that the Government of Canada offered to share the copyright amendments proposed in this bill with the Americans before it came before our Parliament. As it turns out, the Americans have actually loosened their proposed policies on digital locks.

The government's digital lock policy reminds me of the Conservative Party struggle against the long-gun registry. For many years the refrain was that the gun registry put innocent gun owners in prison. Well, what is the effect of the Conservative Party's digital lock policy? It will fine innocent people for backing up CDs or DVDs that they have purchased legally. It will fine the mother who transfers a movie from a DVD to an iPad for use by her children.

This bill has an exemption for people with disabilities to circumvent the digital lock, but it outlaws the tools necessary to do so. For example, this provision will have the effect of a blind person being fined up to \$5,000 for purchasing and using the tool

necessary for him or her to take advantage of that exemption. This simply does not make sense. That is, again, a simple example demonstrating how the digital lock provision trumps the right of the consumer.

Why would this government spend so much time and energy protecting gun owners yet be so hypocritical when it comes to innocent families and disabled people who transfer or copy legally purchased digital items when it comes to its digital lock provision?

The government must realize that the real argument to be made here is under fair dealing. The key issue is this: What is the purpose of copying? Is the mother of three making one copy to show to her children on a long trip in the family van, or is she making 3,000 to sell to the public? There is room for common sense here.

A research paper produced last year by professors at Rice and Duke universities in the United States provides evidence that removal of digital locks actually results in a decrease in piracy. The study contends that products that use a digital lock are purchased only by legal users, and hence only the legal users suffer the restrictions. The illegal users are not affected because the products that they buy, obviously, do not have digital locks. The digital lock prevents the legal user from merely making a backup copy of his or her, say, music, and that is enough to make the erstwhile digital user turn to pirating.

Furthermore, this study also demonstrates that removal of the digital lock can lead to a decrease in piracy, as the removal of the lock makes the product more convenient. It makes for more competition with the product employing the digital lock, thereby driving down prices and allowing the consumer to turn from privacy to legal purchase.

The study quotes the late Steven Jobs, who said, regarding digital rights management:

Why would the big four music companies agree to let Apple and others distribute their music without using DRM systems to protect it? The simplest answer is because DRMs haven't worked, and may never work, to halt music piracy.

This chamber has been a champion of education for a long time. We have worked together to further the cause of education in this country. That is why I have a great deal of difficulty accepting that a balance has been achieved here for students under this bill. Having a student destroy an article that was purchased legally for a course after 30 days makes little sense to me. To require a professor to police this activity is equally difficult to envision.

There is a problem with fair dealing with our universities under this bill. The use of copyrighted materials in universities involves millions of dollars in royalties. With such a large amount of money at stake as compensation for creators, this bill needs to strike a better balance when it comes to the education provisions. We need to ensure that educational exceptions do not take the money out of the pockets of the creators, while at the same time following the Supreme Court of Canada ruling in the *CCH* case.

Honourable senators, another area of concern is the elimination of the broadcast mechanical tariff and related licensing regimes. The Copyright Act has, since 1997, had an exemption that allows for ephemeral copies to be made by radio stations without paying royalties, so long as the copies are destroyed within 30 days. There was an important exception, however. If a collective existed that could license the creator's rights with the radio station, the royalty exemption would not apply.

According to the Canadian Music Publishers Association, this right to collect royalties amounts to about \$21 million annually. This is a large sum of money for creators. The Canadian Music Publishers Association has stated that the regime, as it exists, has been encouraging for artists, and the formation of collectives has grown to the benefit of those creators. However, under Bill C-11, there would no longer exist a royalty payout by radio stations to those collectives, so long as the radio station destroyed the ephemeral copy after a 30-day period. That does not strike a fair balance for creators, and Bill C-11 should be amended to protect this revenue stream of \$21 million, which is not a large sum of money in an industry that generates \$1.4 billion in radio broadcasting revenues.

If we take this situation to the extreme, honourable senators, without the music of the creators, the radio stations would be left with nothing but back to back ads. I suggest that advertisers would not be interested in spending their dollars at such stations.

In summation, Bill C-11 must be measured against its stated objectives: one, modernizing the Copyright Act so that it is up-to-date with new technologies and international standards; two, striking a balance between creator and consumer; three, ensuring that copyright law is flexible, that it will help protect and create jobs and attract investment to Canada; four, creating an environment of technological neutrality so that the law is more adaptable to ever-evolving technological advancements while ensuring appropriate protections.

We understand that this is a complex issue for a government to bring forward. This is not an easy subject. However, parts of this bill can be amended to meet the stated objectives of the government, which, in the opinion of a vast number of stakeholders, this bill does not do.

We can work together in committee to make these changes to the bill, which will make it more in line with what Canadians expect of their copyright regime.

The Hon. the Speaker: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Greene, seconded by the Honourable Senator Finley, that Bill C-11, an Act to amend the Copyright Act, be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Senator Tardif: On division.

An Hon. Senator: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Banking, Trade and Commerce).

• (1440)

[Translation]

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

ALLOTMENT OF TIME FOR DEBATE— MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government) pursuant to notice of June 20, 2012, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, as I indicated yesterday in my notice of motion, there was some discussion with the Deputy Leader of the Opposition concerning the possibility of reaching an agreement to limit the debate on Bill C-38. We were unable to reach an agreement.

Canadians want this bill, which is very important to Canada's Economic Action Plan, to pass as soon as possible so that the programs and action plans that have been identified for each sector can be implemented very quickly.

The budget set out in Bill C-38 includes a number of restructuring initiatives and spending reductions that will ensure better management of government programs in Canada. In the interest of due diligence, the bill was the subject of a pre-study by the Standing Senate Committee on National Finance and other relevant committees in various sectors.

The Standing Senate Committee on National Finance is currently examining the notes from different committees and will be able to produce a complete report on Bill C-38 within the

next few days. It seems important to limit debate at second reading to six hours, a period that seems appropriate given the current situation.

That is why I encourage all honourable senators to support this motion and to take advantage of the time for debate that will follow — which seems to me to be more than sufficient — to share their opinions.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, once again, here I am, rising to speak about a time allocation motion.

Since the beginning of this session of Parliament a little over a year ago, eight bills have been passed using the tactic of a time allocation motion, the most recent example being the omnibus crime bill, which was an amalgam of nine bills.

Today, we have before us a 452-page bill that contains over 700 provisions and goes well beyond what can reasonably be referred to as fiscal policy. In my opinion, the government is demonstrating a serious lack of respect with this approach, which does a disservice to the institution we represent.

[English]

In the time since Bill C-38 was first tabled in the House of Commons, I have received countless letters, email messages and phone calls from those whom I represent in Alberta, as well as from Canadians across the country. Just two days ago, I received a most interesting message from a concerned citizen from Calgary, Alberta. I would like to read for you, honourable senators, some excerpts from her letter. She wrote:

As you meet in the Senate this week to vote on Bill C-38, I would like to present you with a “commoner’s” viewpoint to help your perspective. I am university graduate living in Calgary. As Bill C-38 is an issue of concern for me, I have taken it upon myself to ask people what they think of it. I have been surprised by what I have heard, and would like to share it with you. Again and again I have heard that people feel this bill is being pushed through on someone’s single agenda without regard for common interests or the opinion of the opposition, which was of course elected to do just that.

I firmly believe that if you truly knew the extent to which ordinary people are unhappy with Bill C-38, you would be better prepared to examine it, and as we all hope you will, vote against it.

I understand the need for such a Bill for our economy, but this is it not something that should be pushed through the Senate as it was pushed throughout House of Commons.

Honourable senators, the people of Canada expect us to do that work we have a constitutional responsibility to do, to examine legislation with a sober second thought.

I would like to bring to the attention of honourable senators the remarks made on the matter of the omnibus legislation by a prominent Canadian parliamentarian. I hope honourable senators on the other side will listen carefully.

During the 1st Session of the 35th Parliament, this member rose on a point of order. He said:

Mr. Speaker, I am rising on a point of order to make a procedural argument concerning the omnibus nature of this piece of legislation. . . .

Mr. Speaker, I would argue that the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles. . . .

First, there is a lack of relevancy of these issues. The omnibus bills we have before us attempt to amend several different existing laws.

Second, in the interest of democracy I ask: How can members represent their constituents on these various areas when they are forced to vote in a block on such legislation and on such concerns?

We can agree with some of the measures but oppose others. How do we express our views and the views of our constituents when the matters are so diverse? Dividing the bill into several components would allow members to represent views of their constituents on each of the different components in the bill.

The bill contains many distinct proposals and principles and asking members to provide simple answers to such complex questions is in contradiction to the conventions and practices of the House.

Honourable senators, those impassioned words were spoken in the House of Commons by none other than the Right Honourable Prime Minister Stephen Harper. A strong critic of omnibus legislation, Mr. Harper raised this point of order on Friday, March 25, 1994, in reference to a government budget bill.

Senator D. Smith: He talks the talks, but does not walk the walk.

Senator Tardif: Mr. Harper found the length of this bill to be inappropriate and reprehensible — a monstrous 24 pages. Honourable senators, I can only imagine how reprehensible Mr. Harper must find his Finance Minister’s 452-page budget bill.

Some Hon. Senators: Hear, hear!

Senator Tardif: To paraphrase his words, how can senators represent their regions on this matter when they are forced to vote in a block on such legislation and on such concerns?

[Translation]

A responsible government would, at the very least, acknowledge that providing sober second thought requires a great deal of time and consideration. And yet, even though the bill was received by the Senate just before adjournment on Monday evening, the government is already trying to close the debate at second reading. The Senate received the bill only three days ago.

Many senators who sit on one or more committees that are conducting a preliminary study of the bill have had the opportunity to examine part, but certainly not all, of the bill. Once again, I must point out that, by putting senators in such a position, the government is unilaterally abdicating the traditional responsibilities of this institution, namely, those of sober reflection and careful consideration of significant public policy issues affecting our country.

[English]

It is for this exact reason that omnibus bills are, by and large, a bad idea. Accordingly, parliamentary tradition frowns upon omnibus vehicles.

• (1450)

On page 2768 of the *Debates of the House of Commons*, honourable senators will find that on January 26, 1971, the Speaker of the House of Commons, the Honourable Lucien Lamoureux, expressed in a ruling his apprehensions about omnibus bills, asking members, "Where do we stop? Where is the point of no return?"

There must be a point where we can go beyond what is acceptable from a strictly parliamentary standpoint. The second edition of *House of Commons Procedure and Practice*, O'Brien and Bosc, page 724 specifies that an omnibus bill is characterized by the fact that it is made up of a number of related but separate initiatives. An omnibus bill has one basic principle or purpose that ties together all the proposed enactments and thereby renders the bill intelligible for parliamentary purposes.

One of the reasons cited for introducing an omnibus bill is to bring together, in a single bill, all the legislative amendments arising from a single policy decision in order to facilitate parliamentary debate.

If we were to apply a test of these criteria to this omnibus budget bill, I think honourable senators would find this bill wanting. Are the separate initiatives related? Hardly. Does it have one basic principle or purpose? It has several dozen purposes. Is it intelligible for parliamentary purposes? I hardly think we can say that, honourable senators, as six different standing Senate committees had to be permitted to study the subject matter of this bill.

As much as I perceive this bill to be fundamentally flawed for the reasons I have just outlined, I think honourable senators would at least appreciate having the opportunity to examine it in more detail. I must oppose this time allocation motion, and I would encourage all honourable senators to do so.

Some Hon. Senators: Hear, hear!

Hon. Joseph A. Day: Honourable senators, having heard the Honourable Deputy Leader of the Government in the Senate, I feel compelled to say a few words on behalf of the Standing Senate Committee on National Finance, which has been handling the major portion of this particular Bill C-38, to which the government is now asking you to agree to closure.

[Senator Tardif]

I ask myself why that motion was necessary and why the motion was given yesterday, when we started the debate just two days after the bill arrived in this place. We received the bill late Monday evening. On Wednesday debate began, and indications are that debate will continue today on this bill at second reading.

Honourable senators, we know what we are dealing with. It has been made clear through several speeches. However, let me give you some background, because this is not the first time. Honourable senators will know that this is not the first time that a bill that has had so many different portions all put into one basket has been put before the Senate to be dealt with.

Senator De Bané: Encyclopedia!

Senator Day: Honourable senators, the difficulty in an omnibus bill is when you have major portions that have no relation to one another put into this basket. That is one problem with an omnibus bill. The other, which is particularly offensive, is that the government sees fit to put non-fiscal matters into a bill and call it a budget implementation bill, knowing that this is a matter of confidence and knowing that there is a limited time within which the bill and all the different aspects can be dealt with. This therefore forces those parliamentarians who have primary responsibility to scrutinize the legislation and then here in the Senate to ensure that the impact of that legislation is not adverse to our regions or to minorities. How can we do that? How can we represent our regions and the minorities when we are forced to deal with legislation such as this?

Honourable senators, let me read you a quote from March 20, 2002, at second reading:

... whilst I am supportive of the Africa fund, I am not supportive of air security fees/tax/charge/levy. If, at this stage, we are debating the principle of the bill ...

Which we are at this stage with this particular bill.

... what is the principle of the bill? Is the principle of the bill to establish the Africa fund and other tax measures, or is it the transportation safety issue? Perhaps the bill is totally out of order ... and should be withdrawn or examined by His Honour. Perhaps that is something we should keep in the back of our minds as we carefully analyze the bill. ...

I would hope that in committee, if we will not do it here in the chamber — I do not see great enthusiasm on the other side to challenge the principle because we are dealing with apples and oranges here — the bill could be split or that part which is particularly offensive could be cut away so that honourable senators could be supportive of some parts of the bill they deem to have great merit.

Honourable senators, that was a quote of the Honourable Senator Noël Kinsella. It is particularly important in outlining the importance of this particular legislation. The Honourable Noël Kinsella recognized this matter, this type of bill and the difficulties honourable senators have in dealing with it.

Notwithstanding that, notwithstanding the objections all of us have with this, we did cooperate. At the leadership level we cooperated in terms of a pre-study, looking at this legislation as

best we could under the circumstances at six different committees. Six different committees have shared their findings and their ideas, honourable senators. There have been over 40 meetings in committee and there have been over 200 witnesses, but do not think that that gave us an opportunity to do all the study, honourable senators, because nearly 70 per cent of those witnesses were government officials whom we needed to come before the committees to explain to us what was in this bill.

Therefore, honourable senators, I submit to you that this motion is an indication that the leadership here on the government side lacks confidence in the work that has been done by the committees and the work that is being done by the steering committee and the leadership and all the members of the Finance Committee and those other committees that looked into this matter.

We were progressing as we had agreed upon and we were moving forward with this particular matter. Honourable senators, when you have a lack of confidence and you have a decision to move on a matter that is not necessary, it is an abuse of the majority in this chamber. It is an indication that the majority has not learned to handle the power that it has, because they could win at any time, on any vote, anywhere. Absolutely the only thing that we in the opposition can do is put the issues out there and lay them out.

We know if a vote is taken in this place who will win that vote. Why is it necessary to curtail the only ability we have to point out the flaws in this legislation?

Honourable senators, this is an unnecessary motion to cut off debate. It is undesirable, and I would ask you to consider closely when you are asked to vote on this matter.

• (1500)

Hon. Pierrette Ringuette: I have a question for Senator Day. Will he take a question?

Senator Day: I will attempt to answer.

Senator Ringuette: Honourable senators, I find it very funny that we have to deal with a time allocation motion for Bill C-38. Senator Day, as Chair of the National Finance Committee, is very well aware of questions that I, as a member of the committee, have been asking of different departments. To date, I have received no answers. Today we are at June 21. Let me provide the list of departments that I have asked questions of, along with the dates.

Perhaps the government, through PCO and PMO, could invoke time allocation on the departments to supply answers to the members of the Standing Senate Committee on National Finance.

The list is as follows: Treasury Board, May 1; Fisheries and Oceans Canada, May 2; Department of Justice, May 8; Department of Finance, May 9; Canada Revenue Agency, May 9; Environment Canada, May 9; Foreign Affairs and International Trade Canada, CCC, CIDA and Export Development Canada, May 9; PPP Canada, May 10; HRSDC, May 15; Parks Canada, May 15; Public Safety Canada, RCMP, CSIS and Canada Border Services Agency, May 16; Fisheries and

Oceans Canada, May 16; Health Canada, May 16; HRSDC again on May 16; Canada Mortgage and Housing Corporation, May 17; Office of the Superintendent of Financial Institutions Canada, May 17; Privy Council Office, May 29; Canadian Food Inspection Agency —

The Hon. the Speaker: Order. I regret to advise that Senator Day's 10 minutes has expired.

Senator Day: Might I have five more minutes to hear the rest of the question?

The Hon. the Speaker: Is there agreement?

Senator Ringuette: Canadian Food Inspection Agency, May 29; PWGSC, May 29; Canada Border Services Agency again on May 29; Transport Canada, May 29; and Department of Finance, May 29.

I was seeking to get some answers with regard to this time allocation.

The Hon. the Speaker: Honourable senators, it is my understanding that Senator Ringuette is commenting and asking questions of Senator Day, who has just received another five minutes.

Senator Ringuette: Honourable senators, my question is in regard to the list of departments with the dates that I, as a member of the Standing Senate Committee on National Finance —

[Translation]

Senator Carignan: I would like to point out that we did not consent to additional time for Senator Day. I understand that Senator Ringuette is using the 10 minutes in her name on this debate.

The Hon. the Speaker: I asked the chamber whether there was unanimous consent to grant an additional five minutes to Senator Day. No one objected, so I concluded that there was consent.

Senator Day received consent for an additional five minutes, and Senator Ringuette will be able to make comments and ask questions during Senator Day's five minutes.

Senator Ringuette: Thank you, Your Honour. That is what I understood as well.

How can the Leader of the Government in this place request time allocation for debate on Bill C-38 when her own officials cannot even provide the committee members studying this bill — myself included — with answers to their questions within a reasonable period of time?

Honourable senators, how will we get answers to these questions within the time limit imposed by the government?

[English]

Senator Day: I thank the honourable senator for her question. I must confess that with the interruptions, I missed the numbers of the questions, but I can tell honourable senators that Senator

Ringuette is an important contributor to the work of our Standing Senate Committee on National Finance. She has asked many questions that have gone unanswered by the departments. They have undertaken to answer them. The steering committee of Finance has been working hard to get those answers because the senator has indicated that a reply to those questions is important in order to deal with clause-by-clause consideration of the bill.

That message has been sent to several of the government departments that are outstanding, and I am hopeful and expecting that we will receive replies to those questions before we have the obligation to proceed with clause-by-clause consideration.

[Translation]

Hon. Grant Mitchell: Honourable senators, I am not pleased to speak to this issue, because this is a tragedy for the parliamentary process in the Senate, the upper chamber.

[English]

I love this place, and I love what this place is a symbol of. I love what Parliament is a symbol of. Every time someone stands up in this house, the other house or any legislature across the country, it matters at one level not what they say. Whatever they say, the fact that they are saying it is a symbol of freedom of speech of the democratic processes and values embodied, institutionalized, reflected and represented in this place.

One of the great problems that countries like Iraq and Syria and Afghanistan — pick a country — have in trying to establish democracies is, among many other things, that they do not have the historic traditions, the relationships or the cultural traditions of democracy. They barely have the symbols. They do not have the places, the historical significance of the architecture, the pictures, the statues and all those things that embody so much of what every one of us feels deeply and passionately about. It is a very compelling and proud moment for me when I get to give someone a tour of these Parliament Buildings or bring them into this chamber, but it is compelling for our visitors as well.

This kind of closure and this kind of omnibus bill are, in and of themselves, a direct affront to what this institution physically and virtually symbolizes every second that it stands and every moment that someone speaks in it. That is at the root of my grave concern of what I see.

It is not just those two issues converging as they do today, the omnibus bill and closure. It is a pattern of things that reflect the same attitude that brings the government to excessive use of closure. It is gratuitous violence on the part of this government. It is not enough just to present a bill, debate it and vote on it when it would go through 99 per cent of the time anyway. Senator's opposite have to take that poker and stick it in the other side's ear and, in the process, abuse the democratic process. They do not have to use closure like they do. If this government understood the power of compromise, working together and showing respect for the other side, it is amazing what they could get through just by acknowledging that.

• (1510)

Let me just talk about the pattern, honourable senators. There is a pattern of closure which is unprecedented, unseemly, undignified and an affront to the democratic process. I thought

it was bad when I was in the legislature in Alberta. This government makes the Conservatives in Alberta look like pikers when it comes to closure. I think it was eight times in one long summer session. It has been eight times in three or maybe four days here, has it not? Maybe I am exaggerating for emphasis. Okay, eight times in eight days. However, it is 18 times in I-do-not-know-how-many days — way too often.

The omnibus bill layers on top of that. The fact is that the omnibus bill has all kinds of things included in it that we know have absolutely nothing whatsoever to do with budgets but everything to do with fundamental changes. One takes those two things together, and, if one does not have the time, it compounds the problem of having so much crammed into an omnibus bill that one does not know what it is.

At least we have had a few days of good strong work on the Senate side, and yet, just this morning, it became apparent — and we have not heard this before, because the government does not want to talk about it — that the rules and the processes in the military for including families in the health support for veterans have now been excluded. Families have been excluded. Well, thankfully, Senator Day found that, but maybe he would not have found it if we just had 30 seconds of debate. At least we have had some, but imagine the potential if we had had more and enough time to do what we need to do. That is why closure has to be used very sparingly. It is very dangerous. This government says that it supports veterans. Of course, it says all kinds of things, but, when we get right down to it and start to add it up, it does not particularly add up. We need to have time to figure that out.

Honourable senators, let me start to layer other things on. We have closure, omnibus bills and ministers not answering questions ever in the House of Commons. They get a third party to stand up and answer. It is a complete affront to respect for the parliamentary process, for ministerial responsibility, for dignity and decency in the democratic process, and for answering and responding. No, it is all about controlling message. So if one is not the most aggressive minister, one does not get up to answer and someone else does.

It is about access to information. Never before in history have we seen redaction like this government has done. If they want to cut costs, they can stop redacting and save money on felt pens, for crying out loud. It is amazing the amount of redacting that they do.

It is a direct denial of everything that they were and talked about — how they wanted to open up government and to have greater transparency and accountability. Not so.

We look at intimidating groups that disagree with them. If one thinks that omnibus bills, closure or cracking down on access to information is bad, there is nothing worse than picking on groups — such as environmental groups — that are perfectly legitimate. One just happens to disagree with them, and so the response is not to work with them or to try to understand them. It is to attack, intimidate and bully them, and to put a chill on them and, unfortunately, on the charitable sector in general. There are unintended consequences.

[Senator Day]

The name-calling of the Deputy Premier of Alberta certainly shows a lack of respect. It is amazing that Minister Kenney did not stand up immediately and apologize, so there is that lack of respect.

Then there is breaking laws. They made so much of the fixed election, and then they turned around and broke that law. There was Mr. Clement spending money between votes and between budgets in a way that he should not have, breaking the law.

Now there is the government refusing to give information to the Parliamentary Budget Officer, which, by law, he is allowed to have.

There is the “in and out” scam.

There are the questions of Mr. Del Mastro and what he has done with fundraising.

I am not saying that their government or party is responsible for voter suppression, but it will be interesting to find out. I am saying that one can imagine that a context, an attitude and an erosion of respect for the system have been created by much of the behaviour of the Prime Minister and the government that would certainly lead people to believe that this would be okay, or that this would be the aggressive way, or that it is kind of a game to play politics, so why would that be bad? Voter suppression comes from that kind of bully pulpit use.

I could go on, but will not. I want to say that, in this context, it really comes down to this belief that the end justify the means. However, it does not. It never does. When one starts to believe, that is when one gets into serious problems. One starts to see the erosion in serious, significant ways of the democratic process that is embodied in this and that is very disturbing.

This week Andrew Coyne made a powerful point. He wrote, in the context of the Parliamentary Budget Officer:

As has so often been the case of late, the conflict here is not so much between Conservatives and their opponents. It is between Conservatives and their very souls.

This is the soul that was somehow established in the lead-up to their becoming the government. They were going to be better, support democracy and be open and transparent. The conflict is “between Conservatives and their very souls.”

I would like to close by saying that it is too bad that by risking their souls, they risk the very soul of the democratic process of this country in the process of doing that.

Hon. Jim Munson: Honourable senators, Bill C-38 is now in our hands, as many of my colleagues have said. Here we are with the guillotine cutting off debate. I have many concerns about its contents. How could anyone not find mistakes and weaknesses in a 425-page document that is supposed to be a budget implementation bill, which also happens to introduce, amend and repeal more than 70 federal statutes?

Now, we have time allocation. What an “omni-mess.”

One the changes in the bill that is particularly concerning for me is the raising of the age of eligibility for Old Age Security payments from 65 to 67. With 40 per cent of OAS recipients earning less than \$20,000 a year, it is easy to see that low-income seniors will be hit hard. For these Canadians, OAS represents either the only income or a significant portion of the income that they will live on the rest of their lives. We need more than the six hours to debate this issue alone.

As though this is not disturbing enough, honourable senators, let us consider the reasons that the government has provided for this and other changes to the program. The Prime Minister insists that they are necessary to ensure the financial sustainability of OAS. Citing statistics from the country's Chief Actuary about the aging of the baby boomer population, he extrapolates, saying that we have a crisis at hand. He says that our public pension system cannot possibly accommodate future retirees and it is unsustainable in its current form.

Meanwhile, the Parliamentary Budget Officer opposes this argument head on. According to Kevin Page, the OAS program is well equipped to meet the increasing demands of the aging population. The Chief Actuary, who regularly monitors the state of the program and its preparedness for the growing number of Canadian seniors, is also unconcerned about its sustainability.

From where I stand, I am inclined to think that the Parliamentary Budget Officer and the country's Chief Actuary know better than the Prime Minister. I am likewise of the opinion that Mr. Harper's fear-mongering is a tactic within a broader strategy to impose a conservative ideology on the pillars of our social safety net and the country at large.

I was here as a reporter some time ago when a wonderful woman came onto the Hill and told one Prime Minister, “Goodbye, Charlie Brown.” This Prime Minister may yet have his own “Goodbye, Charlie Brown” moment.

Honourable senators, I am one person, one parliamentarian among hundreds on the Hill. My perspectives, insights and inclinations are distinct, and my freedom to express them in this chamber is both my right and my duty to the people of this country. I do not expect all honourable senators to unanimously agree with what I have to say. I do not want that. Instead, I simply want my voice to be part of discussions and debates with anyone here who chooses to share his or her point of view, and I want time to do it. This is what a democracy is and this is how we arrive at decisions in good conscience, decisions that best reflect the interests and needs of Canadians.

It has been said that the Conservative government is a majority government, so we all know that the bills that it wants passed will be passed. This certainty, however, is not sufficient for the government. It has to go further — too far — and invoke one motion after another for time allocation on debates over its bills.

• (1520)

Senator Cowan has provided public assurance that Bill C-38 will be passed without delay, but the Conservatives nevertheless have gone ahead anyway and invoked a motion for time allocation, and there will certainly be more before the bill leaves the Senate.

I have asked myself why, as have many of you, I am sure. However, looking for motives and reasons is hardly the path of enlightenment. It is the style and modus operandi of our government to bully and bulldoze through the legislative process. It is simply an abuse of Parliament.

The only productive response to the government's disregard for democracy is to highlight its impact, to try to make one another, and Canadians too, care about what is at stake.

In an opinion piece titled "Unleash our political process!" published in *The Globe and Mail* in 2002, Chuck Strahl and a man named Stephen Harper had this to say about Jean Chrétien's parliamentary practices:

More than any other government in Canadian history, the Chrétien government has used time allocation and closure routinely and cavalierly to shut down debate. Private members' business is supposedly outside of the control of the PMO, but cabinet and caucus have used procedural chicanery in the House, Senate and standing committees to postpone, eviscerate and hijack the efforts of individual MPs.

Is it not compelling that the same man who wrote this is leading a government that has the all-time record for use of time allocation? Within the current parliamentary session, this government has invoked 23 time allocations and closure motions. Bizarre, ironic, possibly even deceptive, but what is the point of labelling these actions and defining motives? Again, what matters is the impact: the erosion of Canadian values and democracy and the falling way of public trust in our parliamentary system.

This week alone, I received emails from individuals with serious concerns about the direction of the Conservative government and the fact that those who really know about the issues are denied the opportunity to speak.

In response to cuts in Parks Canada, for example, and a leak to the media of a letter threatening — which is not unusual — the department's employees against criticizing the government, a man from Ontario wrote me concerning restrictions on public information about preservation of local and global ecosystems. He argued that communicating with and engaging the public should be in the hands of scientists, park rangers and directors and environmentalists rather than these anonymous spokespeople selected and approved by the government. He also stressed, quite rightly, my responsibility to keep in mind and act in respect to public opinion and the well-being of the country.

In another email, a woman from Nova Scotia described the worries she and her family share about the lack of clarity and the number of non-financial changes in Bill C-38. She believes that neither Parliament nor the Parliamentary Budget Officer has been properly involved, which she says is "in no fair way to the institution of Parliament and Canadians." She also charges the Harper government with keeping people in the dark about changes to laws and acts. In her own words, "... we are concerned about what is happening to the country we all love so much."

I have also been thinking too about why it is always called the Harper government. Are you not Conservatives? Is it not the Conservative government? A person called me yesterday about

how on all the papers and all the documents it is "the Harper government." Why one person? I thought you were a party. I thought it was the Conservative government.

Canadians reach out to parliamentarians with a mix of trust and hope. In both of those emails and several others I have received this parliamentary session, there is a common request that, as a senator, I carry out my responsibility to scrutinize bills and ensure they undergo due process.

Subjected to a time allocation, we are each of us being hindered from thoroughly fulfilling a crucial pact with those we are here to serve, Canadians. Debate is one of our essential roles, and procedures should not be used to stifle that role. In the words of John Diefenbaker, "Parliament is more than procedure — it is the custodian of the nation's freedom."

The government is aware of the harmful impact of restricting debate on democracy. A decade ago, as I mentioned, Stephen Harper described this as an abuse of power, and he opposed it. He knows full well what he is doing. After all, it is not a Conservative government; it is the Harper government. To know it and still carry through with it again and again portrays an utter disregard for Canadians, for democracy and for the wisdom and progress that can be realized from a free exchange of ideas.

It is time we acknowledge what is happening and do something about it. If Conservative MPs and senators are just going to continue humiliating themselves by saying only what their leader tells them to do, then that is their problem. At least, it eventually will be their problem. Conscience has a way of tracking us all down.

Frustration has a way of eventually forcing us to accept things for what they are. As much as I believe that cooperation is best, I am not seeing the merits of this, not at this point, after months of witnessing the Conservatives running around with this time allocation.

I see my time is up, but today we Liberal senators are pushing back. I hope that in the not-too-distant future Canadians will look at this record and recognize our decision to push back as the beginning of the end of Stephen Harper's reign and the beginning of the return to a parliamentary system that functions as it should, democratically in the interests of the people we serve.

Hon. Joan Fraser: Honourable senators, I would like to come back to one of the points made by Senator Tardif in her excellent remarks a few moments ago. This has to do with the fact that the very nature of this bill is an affront not only to the Senate but to Parliament and to the basic principles upon which Parliament rests.

Senator Tardif quoted from O'Brien and Bosc, and I will quote again, because I think these are words we should all be taking very seriously. She quoted their view — their more than view, their expert instruction to us — that an omnibus bill:

is characterized by the fact that it is made up of a number of related but separate initiatives. An omnibus bill has "one basic principle or purpose which ties together all the proposed enactments and thereby renders the Bill

intelligible for parliamentary purposes.” One of the reasons cited for introducing an omnibus bill is to bring together in a single bill all the legislative amendments arising from a single policy decision in order to facilitate parliamentary debate.

Honourable senators, you could argue that I was blessed in that I was not on one of the Senate committees that has had to gallop through as much as they could get done of pre-study of this bill. However, as a member of the Standing Senate Committee on Legal and Constitutional Affairs, I have had, under this government, some experience with omnibus bills. Twice in particular, that committee has been obliged to study omnibus bills that you could argue were proper omnibus bills in that they were concerned mostly with the criminal justice system, one very early in the Harper government's — and I say the “Harper government” advisedly, honourable senators — regime, and one more recently, Bill C-10.

Particularly the first of those two really was the reflection of what you could argue was a single policy decision, which was that this government was going to be “tougher on crime” than any of its predecessors had dreamed of being. That was a policy decision. There were a limited number of areas that that bill considered. It was possible to see or to carve out a realm within which we could examine that bill. Even then, we had to work unbelievably hard to cover even a fraction of it.

• (1530)

The same was true more recently with another omnibus bill, Bill C-10. It cast its net a bit wider, touching on everything from immigration to youth criminal justice. Even so, one could see some commonality to its provisions. Again, as honourable senators on this committee will recall, in particular Senator Wallace, the work that the committee had to do even to scrape the surface of that bill was absolutely extraordinary.

Honourable senators, here we are faced with an omnibus bill that affects 70 pieces of legislation in fields ranging from the admittedly genuinely budgetary all the way out to items such as fish habitat. I am sorry; I simply cannot conceive of fish habitat being a budgetary matter. The result is that despite the fact that all of those committees have done their very best to do intensive prestudy, we are still finding even today, as Senator Mitchell just reminded us, stuff in the bill that no one knew was there.

As I mentioned, I was not a member of one of those committees that did prestudy, so I was hoping that the benefit of the work they were able to do, plus a reasonable debate and examination in this chamber, would equip me to make a reasoned judgment about whether or not this bill should be supported at second reading. My instinctive reaction is to say that it should not, but who knows? I might have found something tucked away in there that I thought was important enough to be in favour of the bill. However, we will not get that. We will get six hours of debate at second reading, second reading approval in principle, and that will be that.

This is such a profoundly unparliamentary way of proceeding and the whole nature of this bill is so profoundly unparliamentary that I might have raised a point of order or possibly a question of privilege about it. However, had His Honour been inclined to rule in favour of my point of order, I regret to say that I am certain the

government side would have whipped its members to vote to overturn his ruling; and I would not wish to subject the Speaker to that. Everything we have seen leads us to believe that they indeed would have voted in that way. Yet I know and have worked with many honourable senators who sit over there and down there; and I know that many of you also care deeply about the integrity of Parliament in general and of the Senate in particular.

Honourable senators, in pure parliamentary terms, in terms of what it means for the health of our democracy, this is a very sad day — a very sad day.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, last week, the Minister of Finance said on more than one occasion that reviewing the 800 or so amendments to this bill in the House of Commons was a fundamental waste of time.

Not only did he think it was a waste of time, but he also thought that it was a waste of money, that parliamentarians certainly have more important things to do, that Parliament has more important things to do, that the House of Commons has more important things to do than to debate an omnibus bill of this magnitude that affects so many existing laws.

It is very hard for me to understand how a Minister of Finance — since it is his bill — can be so arrogant as to openly tell the Canadian public, in the media, that debating the content of such a large bill is fundamentally a waste of time. If that is a waste of time, I wonder what value he places on the other bills we have worked on, since we can spend hours and hours debating a small, ordinary bill.

The Minister of Finance's attitude is an insult to the parliamentary process. I spent 36 years of my life wearing a uniform, defending my country, and he is telling me that debating such an unusually large bill is a waste of time and that, essentially, parliamentarians should not concern themselves with it and just go on vacation.

I think the Minister of Finance has forgotten the important role that the Senate plays in the parliamentary process to ensure that Canadians have a sound democratic system.

Since the Deputy Leader of the Government is moving a motion to limit the time allocated for debate on this bill, I would like to refresh his memory about an excerpt from a very important book given to many senators, *Protecting Canadian Democracy: The Senate You Never Knew*, which was edited by Senator Joyal. This excerpt refers to our role, our job, my job, the reason why I am paid to be here, and why all of you are paid to be here, and why the Senate is in the Constitution, in the democratic structure of our country:

On the basis of how they are selected and removed, the varied backgrounds they bring to the job, and the way their attitudes and behaviours are shaped by the procedures and culture of the institution itself, senators adopt a somewhat different perspective on the parliamentary process than do members of the House of Commons.

I sometimes wonder if this is still the case nowadays. I will continue:

In general, the Senate perspective is less partisan, less majoritarian, less calculating in terms of potential electoral consequences and more balanced in terms of weighting past actions with future considerations. The Senate is still primarily a political body, but the "politics" of the Senate are not as dominated by competitive political parties engaged in the permanent election contest that is the essence of most (although not all) activity in the House of Commons.

It seems to me that we no longer remember the role we play in this chamber:

In an era when governments rely mainly on polling and the advice of the public service to shape policy, they look less and less to Parliament as a place to test their legislation and to search for improvements.

It is one thing to say that the government looks to Parliament less and less; it is another to say that it does not want to consult Parliament because it is a waste of time, apparently.

• (1540)

Instead, the emphasis is on how to get legislation through as fast as possible and on how to dismiss the arguments made by one's political opponents.

Why do it? The party is in power. It is a waste of time to listen to the opposition. The government knows what it wants and is going after it and leaving everyone else to deal with their problems on their own.

At times, the Senate resists this confrontational model of the legislative process and creates greater opportunities to test the validity and acceptability of the legislative plans formulated in the relatively closed world of the political Executive-bureaucratic arena. When the Senate serves as a check on Executive power in this way, it is often accused of acting illegitimately because it is not elected. Conversely, when senators acquiesce too readily in government plans, they are described as grateful party hacks.

Are you looking for another job? Do you really not want to do your job anymore? Do you have other ambitions? Are we going to eliminate the need for the Senate? Does this institution serve any purpose?

The truth is more often in the middle.

I believe that the document should be revised. I am not sure that we have found the middle ground. I think we are too far to one extreme.

From the outset, the Senate was intended to serve as a counterbalance to the House of Commons, and it continues to serve that role.

[Senator Dallaire]

I hope that it will always play that role and that the government will respect the fact that the purpose of this institution is to play that role.

It clearly could do a better job, but there is no denying that it already makes a worthwhile contribution.

When examining Bill C-38, I was surprised by the amendments that affect veterans. I say "surprised" because we discovered them. In all those pages, we finally discovered that the government is reducing help for military families, amending bills that will have a direct impact on veterans and their families. And they are trying to sneak these changes through as though they were nothing. The government could not care less about debating this. The only thing the government wants is to impose its own desires, opinions and perspectives.

I am certainly going to elaborate on the camouflaged, unethical approach the government used to limit veterans' ability to get what they are owed as a result of their sacrifices and those of their families. This bill camouflages the attitude of a government that is mean-spirited and stingy when it comes to people's needs — a government that was once in favour of soldiers and veterans.

Limiting debate on such fundamental issues shows that the government does not want a democracy, and that it does not care at all about democracy. It is in power and it is going to be the one that makes the decisions. We are no longer talking about the Harper government or a Conservative government, but of their regime.

[English]

Some Hon. Senators: Hear, hear!

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to say a few words on this issue. I will have more to say this afternoon on the substance of the bill. However, I want to thank honourable senators for their contributions to this debate. It is significant, it seems to me, that while Senator Carignan gave us a brief and perfunctory justification in his view for this action, no one else on that side has risen to justify and to support the motion that has been made by the Deputy Leader of the Government.

Senator Mercer: They are not allowed to.

Senator Cowan: I suspect when we come to a vote shortly they will all rise in support of that, without taking advantage of the opportunity to have participated in the debates and the opportunity that was given to them to rebut the points that have been made, I think so effectively, by my colleagues.

Some Hon. Senators: Hear, hear!

Senator Cowan: Honourable senators, this motion is absolutely unnecessary. I have said publicly in this chamber and outside the chamber that there has not been and there will be no attempt on the part of this party, this opposition, to delay or obstruct this legislation. There is no evidence that we have done that or that we intended to do that. This piece of legislation arrived here late on Monday night.

Senator Tardif: Three days.

Senator Cowan: As I recall, Senator Munson and I were looking at 46 of you across the way, looking with eager anticipation for this bill to arrive. How long has this bill been here? What opportunities have we had to discuss the merits of this bill? None.

Instead of arguing about the substance of the bill, however many pages there are in it and the number of bills that are being amended — some replacing entirely existing legislation — we are talking about matters of procedure and democracy and fairness. We should not be doing that, honourable senators. We are here to discuss legislation. That is our job. We are paid by the people of Canada to do that job.

Some Hon. Senators: Hear, hear!

Senator Cowan: Honourable senators, I would not be so concerned if this were an isolated instance. There have been instances in the past where the government has been able to point to something in a bill and say, “It is absolutely essential that we get this bill passed and get Royal Assent by a certain date,” because of some provision in that bill. There has been absolutely no suggestion in this house, in the other place, or publicly as ministers have fanned outside across the country, to justify what they are doing.

There is absolutely nothing to indicate that this bill is time-sensitive and absolutely has to be done. The only possible explanation is that these folks want to get out and begin their summer holidays. I suggest to you that Canadians do not find that to be a very satisfactory and persuasive argument.

We did agree in this place to conduct a pre-study, as I think Senator Day has outlined well, and I think we should pay tribute to honourable senators on both sides of the house who participated in the various committee studies on this bill.

Some Hon. Senators: Hear, hear!

Senator Cowan: They did what they are supposed to do. However, as we have heard, they did not have the opportunity to complete the job that they should have done, to do as much work as they should have done and as much work as they could have done had they been given the appropriate time to do it.

Senator Day referred to the number of meetings that his committee held. The only witnesses that were heard by that committee were officials of government — officials who were sent there, quite properly, to explain the provisions, not why they were there, but what they meant. That is entirely appropriate. However, is it not also appropriate that ordinary Canadians, people who are experts in the field who do not happen to work for the government, should have an opportunity to express their views as well? Would we not, as parliamentarians, be better informed when we are asked to vote later this month on this bill? Would Canadians not expect us to know as much as we could know reasonably about the bills that we are asked to vote upon? I would think so.

Honourable senators, as I said, I would not be standing today and making the point as strongly as I hope I am if this were an isolated incident. However, as with the back-to-work legislation we have seen repeatedly from this government, this is not an

incident; this is a pattern. This is part of a deliberate attempt by this government to force its agenda through this Parliament — which they control through majorities in both the other place and in this place — giving minimum time not only for parliamentarians to examine the provisions of the bills that are before it but giving minimum time or no time at all for Canadians to comment on that legislation.

Honourable senators, we can do better than this. We should do better than this. Canadians expect us to do better than this. I think it is a shameful day for us here in this place. I hope that you will reflect very carefully on what you do when you stand to vote on this motion.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It is moved by the Honourable Senator Carignan, seconded by the Honourable Senator Marshall that, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

Honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Honourable senators, the standing vote will take place at five minutes to five o’clock. Call in the senators. It will be a one-hour bell.

• (1650)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Angus
Ataullahjan
Boisvenu
Braley
Brown
Buth
Carignan
Cochrane
Comeau
Dagenais
Di Nino
Doyle

Marshall
Martin
Meredith
Mockler
Nancy Ruth
Nolin
Ogilvie
Oliver
Patterson
Plett
Poirier
Raine

Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning

Rivard
Runciman
Segal
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Stratton
Tkachuk
Unger
Verner
Wallace
Wallin
White—52

• (1700)

Honourable senators, forcing a single vote on the 753 clauses contained in Bill C-38 does as much for a healthy balance of oversight as the Public Appointments Commissioner did for accountability. Honourable senators will remember we asked about the Public Appointments Commissioner and the commission year after year after year. We asked why there was an appropriation of over \$1 million for this commission and for the commissioner when there was no appointment of the commissioner. That has gone on for many years, honourable senators. Year after year after year we heard the honourable leader of the government in the Senate try to defend that position.

Honourable senators, I am pleased to announce that, in one of the sections of this bill that I support fully, the Public Appointments Commission is being done away with. It took us a while, but we finally got there.

Honourable senators, bills of this nature prevent us from doing our jobs effectively, efficiently and thoroughly. Unfortunately, this is not the first time that we have seen one of these bills, which we refer to as omnibus finance bills. Omnibus bills have been used by different governments of all stripes, and my colleagues on the other side no doubt remember protesting omnibus bills themselves. Those of you who are following will know that that means that we must have, at some time in the past, been supporting omnibus bills. Indeed we did, honourable senators, but not without comment and not without, from time to time, achieving amendments. It was important to be able to achieve those results. The bills that we were protesting at that time, honourable senators, were a quarter of the size of this bill, and we thought that that was unacceptable. You heard quotes earlier today from the Honourable Senator Oliver. Honourable Senator Oliver stated:

We have before us a massive omnibus bill of some 23 separate parts. Bill C-43 ought to have come before us in at least three or more separate bills . . .

I agreed with him at that time. Bill C-43, honourable senators, was 102 pages long. It was massive at 102 pages. This is four times as massive, at 425 pages.

Senator Oliver, in his speech at that time, referred to a lengthy budget bill that preceded the 102 pages. That bill was in 2004, and it was 56 pages long. The trend, honourable senators, is not good.

Honourable senators, I am hopeful that the debate that we have had in relation to this bill will be taken back to each of our caucuses and that this will not be something that we have to go through again. I and many others have said this before, but, hopefully, as we debate this type of approach to legislation we will start to realize that none of us is doing the job expected of us. None of us can go home saying that we have done a really fine job in the Senate on this one.

Honourable senators will note as well that the titles of these bills have become more creative in recent years. Bill C-43 was referred to as the Budget Implementation Act 2005, very self-explanatory and easy to understand. Bill C-38, as you heard from Honourable Senator Buth yesterday, has the short title of “jobs, growth and long-term prosperity act.” Although I am having trouble seeing how some of these measures add any credence to that title, that is

NAYS THE HONOURABLE SENATORS

Baker
Campbell
Cools
Cordy
Cowan
Dallaire
Dawson
Day
De Bané
Downe
Eggleton
Fairbairn
Fraser
Harb
Hervieux-Payette

Hubley
Jaffer
Lovelace Nicholas
Massicotte
McCoy
Mercer
Mitchell
Moore
Munson
Peterson
Ringuette
Rivest
Robichaud
Tardif
Zimmer—30

ABSTENTIONS THE HONOURABLE SENATORS

Nil

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Buth, seconded by the Honourable Senator White, for the second reading of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

Hon. Joseph A. Day: Honourable senators, it is good to see a full house here, after the vote, for the continuation of my intervention of yesterday. I understand that I have a few minutes left and, honourable senators, in the time I have left in my intervention, I will not go back over how we handled this particular bill. I will merely remind you that the bill is 424 pages in length, that it contains 753 clauses and that it modifies or amends at least 70 statutes.

the title that has been chosen for this one. We will note that kind of approach with respect to the titles of a lot of the legislation in the last while, honourable senators.

There are much more effective ways to deal with legislation of this kind, honourable senators. Despite previous recommendations from the Standing Senate Committee on National Finance to stop using omnibus bills of this size, particularly with respect to finance bills, so far our advice — our plea, in fact — has been ignored. I have spoken on these measures before, and I would like to reiterate some of our options.

We could divide the bill into its coherent parts. This would seem to be a fairly reasonable option that would allow us to dedicate proper time to each of the sections of the bill. Instead of having the five or six different committees report back to one, we could have five committees report to this chamber on the portion that they studied. We could vote on them each separately.

Retired Senator Lowell Murray, a very active member of the Finance Committee for many years, suggested that we delete all non-budgetary provisions and proceed only with the parts that are budgetary in nature. That is another possibility, honourable senators.

Another option, which I am sure is not a popular one, is to defeat the bill on second reading on the grounds that it is an affront to Parliament. Honourable senators, sooner or later something will happen with respect to this practice. I suggest, when we have a bill of 735 clauses and 425 pages, that it will be sooner rather than later.

I do not intend to go over the ground that honourable senators from each of the five other committees hopefully went over in studying their portion of this bill. I am hopeful that they will speak on that. I will use the few minutes that I have left of my time to hopefully leave with you a sense of what was studied, in part at least, by Finance. I do not have time to go over everything, but I will go over Division 1, in Part 4. There are four parts to this bill. Part 4, Division 1, is about the Auditor General. The Auditor General's activity will be changed. There is a change in direction happening. We worked hard to have a change in the Auditor General Act, saying that it is no longer proper to have in the act that the Auditor General must be a chartered accountant because there are other accountancy designations that could also do the job. There are also others who might not be accountants who could do the job. When the Auditor General was hired, the Privy Council Office put that requirement back in. Even though parliamentarians took it out of the act, it was put back in. The Auditor General is a CA. The Auditor General will be in that position for 10 years, so those of us around in 10 years will have an opportunity to revisit this.

Auditors general, in the past, were of a financial background because they perform financial audits. Seventeen financial audits will no longer be done by the Auditor General. The Auditor General is refocusing on performance audits — value-for-money audits — and that, honourable senators, will do two things. It will change the nature of the work and, therefore, the nature and formation of the individuals who perform the work. It will also result in a different type of information coming to us. The Auditor General, as an officer of Parliament, is performing his

functions to help us. Yet, we are not making the decisions that the Auditor General should no longer look at Crown corporations from the point of view of financial audits and no longer review the Canadian Food Inspection Agency, the Canada Revenue Agency and Parks Canada.

• (1710)

The decision as to what the Auditor General will be doing in the future is being made by the executive. We, as parliamentarians, have the Auditor General to help us hold the executive to account. Therefore, the executive should not determine, without at least consultation with us, what the Auditor General is doing. Honourable senators, that is a concern I have and I wanted to leave with you because I think it is an important one.

Honourable senators, in Division 5 of the bill we see that the executive basically is deciding what is best for Parliament — the same point that I was making about Division 1.

In Division 6, a new tribunal will be created. That subject matter would have taken an entire study, because it will do away with four different tribunals, such as umpires and referees with respect to Employment Insurance and pension claims. These four tribunals exist to help individuals who are not getting the type of service that they want. One new tribunal will be created and the 70 or so people appointed to that tribunal will be expected to develop an expertise in all of that work.

Social Insurance cards will be done away with, honourable senators. 1,689 Parks Canada employees have received their notices of surplus. The Office of the Inspector General in CSIS will be gone. The Fair Wages and Hours of Labour Act will be gone. The Public Appointments Commissioner will be gone. The International Centre for Human Rights and Democracy Development will be gone. The Canada School of Public Service, which was created only a few years ago and went through our committee in its creation, with a board of governors that gave an outside appointment oversight, will be gone.

Honourable senators, the elimination of many of these is of concern because the approach is to take away outside scrutiny and allow it to stay with the executive — giving the executive more power and giving those who are to scrutinize the executive less opportunity to do so. That is what we were seeing time after time in each of these.

The Employment Equity Act will be gone. The National Round Table on the Environment and the Economy will be gone.

An Hon. Senator: That is disgraceful.

Senator Day: Honourable senators will know that there is an interesting initiative with respect to Canada and travelling exhibitions. We spent some time studying that compensation and indemnification, because it is there. It gives you the breadth of what appears here.

CATSA is responsible for security at airports. We used to have an outside appointed board appoint the chief executive officer. That will now be done by cabinet and will no longer be done by the outside board. The person running it will be appointed by cabinet.

There is a repeal of the Department of Social Development — that will be gone. The Kyoto Protocol Implementation Act will be gone.

Honourable senators, not to leave you on a negative note, there will be the creation of Shared Services Canada — an entire department with all the services, and it will be huge with employees all over the civil service. We could have spent quite some time on that alone, and it is only one of the many matters that appear here.

The Assisted Human Reproduction Agency will be gone. Those are some of the items that I wanted you to have in mind when you hear it suggested that it is very difficult to understand in such a short period of time the potential outcomes of all of these different matters.

Honourable senators, the three areas that received a tremendous amount of activity and discussion related to Employment Insurance, which is of great concern in my area in Atlantic Canada and New Brunswick. Regulations are being taken out, and the minister is saying, "Trust me; I will come forward with some new regulations in due course." What used to be in the statute will be removed. The rules used to be easily determined, but that will no longer be the case. There will be at least three types of employment insurance recipients under the proposed legislation, honourable senators, and that is of concern to us all.

If we look back through history, we will find a quote by Mr. Harper. In 2005, he said:

In terms of the unemployed, of which we have over a million-and-a-half, don't feel particularly bad for many of these people. They don't feel bad about it themselves, as long as they're receiving generous social assistance and unemployment insurance.

An Hon. Senator: Who said that?

Senator Day: Mr. Harper stated that; and that cynical view seems to permeate the amendments. This change is not designed to help; it is designed to punish. That is a serious concern that all honourable senators, I am sure, will share in due course.

The budget proposes to raise the age of eligibility for Old Age Security from 65 to 67 years. The problem is that there will be an impact on the provinces as a result of this. There has been no discussion with respect to the provinces. There has been no discussion with respect to auto workers. Those who will be the most heavily impacted by this are the 40 per cent of Canadians who are eligible to receive Old Age Security and make less than \$20,000 a year. It is those people who will be impacted the most with respect to these changes, and nothing has been devised to help them. This is basically a downloading of cost burdens to the provinces, honourable senators; and that will cause us some difficulties.

There was some discussion with respect to charities. I truly hope that we can have a study on this matter, because there are so many conflicting points of view coming forward with respect to

charities and the concerns that the bill targets certain charities. We hear stories of many charities being audited year after year for no apparent reason. We have heard testimony that many of the comments made by parliamentarians, including comments coming from this chamber, are having a cooling effect on donations to charities.

We have got to deal with this objectively. If there is a problem, deal with it. Imagine Canada stressed this issue with respect to the definition of "political activities." Imagine Canada is an umbrella group for charitable organizations. When the smoke-free workplace campaign was on, there was a wonderful cooperation between the government and charities. Cooperation can happen, but things should not happen when a charity happens to advocate a position that is contrary to the government position; and that is our concern.

In terms of reporting requirements, honourable senators will see that an unprecedented amount of power will be given to cabinet and I touched briefly on that. There are so many examples, that it is quite a concern that we have to deal with.

Honourable senators, in conclusion, let me suggest that there are many portions of Bill C-38 that most of us would like to support. There are also many portions that cause some concerns because we have not had a chance to develop an understanding of the potential consequences.

• (1720)

The bill is very difficult for us to deal with as a whole for that reason. We need to be thinking about what our primary role is as senators in this chamber, and I cannot help but wonder if we have really done our due diligence in relation to Bill C-38. We are moving towards passing a 425-page bill after nearly 70 hours of testimony. While this may sound like a substantial amount, outside witnesses only covered 30 per cent, and we should have many more outside witnesses who would come to explain to us the impacts, or potential impacts.

Honourable senators, we pride ourselves on not just rubber-stamping something that comes from the other chamber. We do pride ourselves on that, and I am glad that we have had the opportunity to at least pre-study the matter. Many of us are now informed on a lot of matters we would not have been informed on previously, and so we will be able to continue to deal with those items in the future.

We have a purpose and a calling here, honourable senators, and we have a mandate to protect the public purse and to ensure that the government is acting in the best interests of Canadians. I worry that honourable senators get so caught up in the politics of the other place that we forget that the real purpose here is quite different. We are here to be a chamber of sober second thought. We are here to be politicians who do not look at the bills through blue glasses or red glasses, but instead we look at the bill as a piece of legislation that will have an impact on Canadians, and we do the best we can to ensure that the impact is not an adverse one.

Can we go home tonight and say that we have done that?

Thank you, honourable senators.

Hon. Jane Cordy: I have a question for Senator Day.

I am curious. I know the Parliamentary Budget Officer has not been able to receive an accounting of the costs or the savings related to this budget bill, and I wonder whether the Finance Committee has been able to get any of that information. As parliamentarians, when we are making decisions on whether to support a budget bill or not to support it, or any bill for that matter, we have a responsibility to know the cost or savings. Has the committee been able to get that information?

Senator Day: I thank the senator for the question. Senator Ringuette has asked that question of virtually every witness we have had. Some of the questions honourable senators heard her indicate earlier she has not received answers to relate to the costing, how many positions will be lost and those types of questions. Senator Ringuette has also asked for the Parliamentary Budget Officer to come as a witness before our committee, but that has not been agreed to by the committee at this stage. I do not anticipate that we will hear from the Parliamentary Budget Officer now, but we will continue to follow these issues.

Senator Cordy: Regarding changing the age of those who can receive OAS from 65 to 67, I know that those who are disabled will be at greater hardship, and it will go back to the provinces. The costs will be on their heads because these people will be unable to have a standard of living without help from the provinces.

The Harper government has said the OAS program is not sustainable; yet I have heard from others that, in fact, that is not correct. Did the committee look into that?

Senator Day: Thank you for the question. Yes, we did, and we have heard evidence that it is sustainable. We also are aware that the Parliamentary Budget Officer has indicated on more than one occasion that the system is sustainable, looking at demographics. The change is not necessary from the point of view of demographics and taking into account future growth; that is the evidence we have received. One must assume that the change in age for recipients is being motivated for some other reason.

Hon. Anne C. Cools: Would Senator Day take another question?

Senator Day: I would be pleased to.

Senator Cools: Honourable senators, I have been looking at the section in respect of CATSA. It is Division 48, Canadian Air Transport Security Authority Act, on page 387. The whole section is quite a novelty, and even the organization is a little odd.

My question is in respect of clause 654 at the bottom of page 387 — which I take it would be clause 654 of this bill — proposing to amend section 17 of the Canadian Air Transport Security Authority act.

The government is obviously proposing a new section 17, replacing the old section 17 of the act with the new section 17.

It says:

The chief executive officer of the Authority is to be appointed by the Governor in Council to hold office during pleasure for any term that the Governor in Council considers appropriate.

That is an inherent contradiction. This is what “during pleasure” means. “During pleasure” means no term, but at Her Majesty’s pleasure. These are novelties that are coming in bills. “Pleasure” usually means of the Queen, the King.

Was the honourable senator able to get some insights into that clause? Either an appointment is for a term or it is during pleasure, but it is not during pleasure for a term that a government will set.

Senator Day: Thank you for the question. I appreciate Senator Cools bringing this to our attention. The section we focused on — section 17 — illustrates the importance of our having to go back to the main bill. If one just looks in Bill C-38 one does not understand what that is achieving, and it is the same for so many other sections. One reads this and it says do away with one section and put this one in. This one is understandable, but what are we doing away with?

In this particular instance, the Canadian Air Transport Security Authority, CATSA, was set up as having a business as opposed to a government structure, so the board of directors selected its chief executive officer. This section changes that and says that the chief executive officer now becomes a cabinet appointee as opposed to an independent person that the board of directors might decide to choose. That is the change that was made to this matter.

We did not explore the point that Senator Cools is making, but it is interesting. I notice it is a small “t” term, so that might be a generic sense as opposed to saying a term of five years, four years, et cetera. However, “at pleasure” or “during good behaviour” and those expressions usually mean not a specified period of time.

Senator Cools: Yes. That is not too clear here —

The Hon. the Speaker: Senator Day’s 45 minutes has expired, unless he is asking for an extension.

Senator Day: Perhaps just out of politeness to allow Senator Cools to finish her question.

• (1730)

Senator Cools: Honourable senators, these oddities and novelties are coming at us faster than I can process them. Is the intention of this clause to say that the Governor-in-Council may appoint for a year, a year and a half, two years, or does it really mean during pleasure?

This is a new trend today, honourable senators, where every expression in respect to tenure of appointments is thrown into clauses. When the Federal Accountability Act was before us, and we were looking at the appointment of the Senate Ethics Officer, one would find these oddities throw in, for example, “appointed during good behaviour but may be removed for cause.” These are concepts that are fundamentally in conflict with one another. They throw them all in together. This is junking up the law, not to mention junking up people’s minds. I wonder if this was explained at any point, that is all.

Honourable senators, I have been trying to discern how a single minister can conceptualize so much in one bill. We know that Her Majesty’s ministers are supposed to be the directing minds behind

a bill. It is supposed to be their project. I have difficulty even seeing the cohesion between the different parts of this bill. I do not even see this as a cohesive unit. Immediately, one tries to understand what the minister was thinking in creating this bill, and what this bill is trying to do as a whole in its intended cohesion, successful or not.

This particular CATSA organization, we must remember that I sponsored that bill; I believe it was Bill C-49. Does the honourable senator remember?

Senator Day: Yes.

Senator Cools: I am trying to understand how this concept, this alteration, this change in appointment process, fits into the general cohesion of this budgetary bill.

Senator Day: I thank the Honourable Senator Cools. I can tell her that there was more than one minister involved in different portions of this bill.

When we brought the Minister of Finance before us, there were many parts that he was not able to deal with, and quite rightly. He said that would be dealt with by other people, even though it is a finance bill. That confirmed what we already knew.

As far as cohesion of the different parts of this bill is concerned, I think the only thing that relates to cohesion is the large staple that appears at the back of the document.

Senator Cools: In passing, honourable senators, we should really take a serious look sometime at this whole business of tenure and terms in the appointment process, because there is enormous confusion about all of this.

I am looking at Senator Brown.

The confusion is manifested, honourable senators, in the fact that we have had bills here, to alter the tenure of senators, from life to eight years. If one can alter from life to eight years, one can alter from life to seven, five, four and zero. No one has ever explained the alteration of tenure, the change from tenure for life to term appointments. These are very profound concepts. Some may think that these are simple technical matters that senators should not be bothered with. Yet, if anyone had set out to alter judges' tenure from life to eight or seven years, not one of us here would accept it.

The Hon. the Speaker: Honourable senators, the time of 45 minutes plus the extra 5 has been exhausted.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, as I said earlier, I have some comments to make about the bill. Earlier I was talking about the process. The two are interrelated, but my earlier comments related solely to the increasing and distasteful practice of this government to cut off debate to prevent Canadians or parliamentarians from having an opportunity to exchange views on the substance of the bill and enable us to make more informed choices when it comes to voting.

Honourable senators, some months ago Senator Mitchell pointed out that this is a government that does not believe in governments. He suggested that this was akin to having a president of a major car company who does not believe in cars.

Senator Mitchell was right. This is a government that simply does not believe that it has the power or the possibility to do good. Instead, it dismantles the laws and institutions that have been built up over many decades by previous governments, Liberal and Progressive Conservative. The political stripe does not matter. The only common thread is that those governments believed that they could be a powerful force for good in society.

Honourable senators, that is about to change. Bill C-38, as we have heard, is a bulldozer of a bill: a huge wrecking ball that the Harper government is setting upon Canada. Where is it dropped? The National Round Table on the Environment and the Economy: smashed. The National Council of Welfare: demolished. Rights & Democracy: First it was destroyed from within, after Harper appointees took control, and now its demise is complete, killed by Bill C-38.

Senator LeBreton: Good.

Senator Cowan: Our colleagues on the other side say "good." I do not think that is a view shared by many knowledgeable Canadians.

The Inspector General of CSIS: eliminated. Controls to protect fish habitat: gone. Environmental assessments to ensure a balanced approach to economic development: so transformed that they will become unrecognizable.

Senator LeBreton: Not true.

Senator Cowan: There are 100,000 applications to immigrate to Canada; 100,000 dreams of a better life, wiped out. "Start over," these people are told. The Harper government has decided to change the rules — and, remember, the Prime Minister said that he makes the rules.

Honourable senators, as with all wrecking balls there is always the danger of collateral damage. In this case it is to our international reputation and credibility and, of all things, to our very own history.

While spending \$28 million to teach Canadians about the War of 1812, Mr. Harper is making drastic cuts to the funding of Library and Archives Canada, the repository of books, documents and photographs for all of Canadian history to the present day.

Senator Cordy: But they are not photo ops.

Senator Cowan: The hours and services for research and reference are slashed and, in some cases, eliminated entirely. Archives of documents of leading Canadians are being rejected. Historian Donald Graves wrote a letter to *The Globe and Mail* in which he described using the resources of Library and Archives Canada to write or edit 18 books and dozens of articles. This is what he said:

... I could not contemplate undertaking such a body of work today.

He concluded:

What is happening at LAC is more than a national disgrace — it is a national tragedy.

The historian Jack Granatstein wrote an op-ed, also published in *The Globe and Mail*. It was headed, “Cuts to our past harm our future: Breaking up the national collection will be irreparable.”

Of course, Bill C-38 does far more than imperil our collective sense of history. As we have heard, it is over 420 pages long. It contains 750 clauses and amends or repeals 70 different statutes.

The Minister of Finance has argued that it is critical that Parliament pass this bill, without amendment, immediately. He claims:

Bill C-38 is essential to creating long-term jobs, growth and prosperity in Canada.

• (1740)

That has been his mantra, but is it true?

Senator Fraser: No.

Senator Cowan: Bill C-38 includes extensive amendments to the Assisted Human Reproduction Act. How is that essential to create long-term jobs and growth in Canada?

Bill C-38 eliminates the position of Inspector General of CSIS. How is eliminating oversight of our spy agency essential to create long-term jobs, growth and prosperity in Canada?

The bill includes amendments to the Corrections and Conditional Release Act, relating to procedures on parole hearings. Honourable senators, why are these included in the budget bill? We just passed another omnibus bill, that one on crime, the so-called Safe Streets and Communities Act. Why were those amendments not in that bill? Was this just a question of, oops, we forgot to include those so let us stick them in the next omnibus bill and ram it through?

Bill C-38 eliminates the National Council of Welfare.

An Hon. Senator: Shame.

Senator Cowan: It is a shame. That is an organization that has advised the Canadian government on matters concerning poverty and the realities of low-income Canadians for 43 years.

Honourable senators, the policies pursued by this government are exacerbating the gap between rich and poor in this country. Perhaps someone across the aisle could explain to me how eliminating the National Council of Welfare will create long-term jobs, growth and prosperity. From where I sit, it looks like we will be silencing yet another voice that can tell Canadians how this government's policies are, in fact, doing the exact opposite to the economy.

As I mentioned a moment ago, the bill wipes out 100,000 immigration applications — a huge reversal of Canada's immigration policy. Let us be clear, honourable senators, wiping out a backlog of applications to immigrate to

Canada will not create jobs for anyone. This is not a jobs and growth measure. It is a radical about-face of Canada's immigration policy. It may or may not be the right thing to do — I personally think it is the wrong way to fix the backlog — but it is not about creating jobs, so it should not be in this bill.

Senator Tardif: Exactly.

Senator Cowan: If this is not a bill to create long-term jobs, growth and prosperity in Canada, what is it?

Our former colleague Senator Lowell Murray, a lifetime Progressive Conservative, very clearly warned us of the danger of the Harper government's use of omnibus budget bills.

For the benefit of my colleagues opposite, let me add that he said — and these are his words — his “opposition to the abuse of the omnibus process is profoundly conservative.” Those are the words of Senator Murray.

This government likes omnibus bills. Indeed, the very first bill introduced by the then new Prime Minister Harper was an omnibus bill itself: the Federal Accountability Act. The omnibus bill before us today repeals certain provisions brought in with much fanfare in that first omnibus bill introduced by Prime Minister Harper.

As my colleague Senator Day has said, that bill created the Public Appointments Commission. That same Prime Minister is now killing that commission in this omnibus bill, and all before the commission had a chance to examine a single one of his appointments. Is that not ironic?

Here in Parliament we have seen one omnibus bill after another, each one more outrageous than the preceding one. The Senate National Finance Committee took the unusual step of reporting the 2009 budget bill back to this chamber with an observation stating:

The practice of using omnibus bills to introduce budget measures has the effect of preventing Parliament from engaging in meaningful examination of the myriad policy proposals contained in them. In particular, the practice makes it almost impossible for committees to conduct a thorough study of the proposed legislation.

In retrospect, honourable senators, this is exactly what the government wanted to hear, because what our National Finance Committee said actually confirmed that its omnibus approach to legislation was working.

In 2010 we had another omnibus budget bill, Bill C-9, which Professor Ned Franks described as “an omnibus bill to end all omnibus bills.”

Senator Murray knew better. In trying to break up the 2010 omnibus budget bill, he referred to political blackmail and he said this:

Parliamentarians who so succumb will find, as parliamentarians before them have found, that the appetite of the blackmailer is not only voracious, it is insatiable.

Of course, the 2010 omnibus bill was not the one to end all omnibus bills. We had the crime bill, Bill C-10, and now we have Bill C-38.

Senator Murray once suggested that there could come a day when the Harper government would table only one bill in Parliament, a super-bill encompassing all of its legislative agenda for the whole year.

Senator Mercer: He was pretty close.

Senator Cowan: With Bill C-38, as Senator Mercer says, his prediction is coming dangerously close to reality.

As I said a moment ago, the practice of using omnibus budget bills makes it almost impossible for parliamentarians to conduct a thorough review of all that is being proposed by the government. However, the fact is — to use Senator LeBreton's expression — that seems to be precisely why Prime Minister Harper likes omnibus bills. He does not want Parliament to scrutinize his proposals too closely. He is actively seeking to avoid that thorough study. It can lead to embarrassing situations, such as the one when our former colleague Senator Yoine Goldstein uncovered, buried in an omnibus budget bill, the Harper government's attempt to censor the Canadian film industry.

As we have learned in recent days from newly released government documents, reported in the *Ottawa Citizen* on June 11, for Mr. Harper, embarrassment to the government is not merely an irritant; it actually constitutes a threat to national security. The police even used the threat of embarrassment to the government as part of its justification for conducting what has been described as the largest mass arrests in Canadian history during the G8 and G20 summits in Ontario in 2010.

I can understand, honourable senators, how embarrassment to the government might be a threat to the job of the Prime Minister, but surely it is not a threat to national security.

This bill will eliminate the office of the Inspector General of CSIS — the very office set up to guard against possible violations by CSIS of Canadians' rights and freedoms. CSIS gathers intelligence. Now that embarrassment to the government has become a threat to national security, what kind of information or intelligence will CSIS be gathering? There will no longer be an Inspector General to find out.

The sole remaining check on this very secret world is the Security and Intelligence Review Committee. Last week we learned that its new head is Chuck Strahl, a former cabinet minister in the Harper government. Are Canadians truly comfortable that the secret spy agency may be collecting intelligence on Canadians that might cause embarrassment to the government, and the sole remaining check on those activities is a body headed by someone who until recently was a prominent and loyal member of that government and whose former colleagues are the ones facing potential embarrassment?

The length and scope of Bill C-38 is such that our Senate National Finance Committee was not able to hear any outside witnesses on this issue, but to be asked to deal with issues of

national security and the basic rights of Canadians while examining a budget bill explains and illustrates just how ridiculous this legislative process has become.

In the other place, opposition members tried to break up the bill, at least for purposes of discussion by committees with actual expertise in the many areas covered by the bill. The Harper government refused.

We in this chamber — and with great credit to all of those members on the National Finance Committee and other committees who participated — had somewhat greater success. Components of the bill were sent to six different committees for pre-study. However, honourable senators, let us not deceive ourselves. This was by no means adequate to give the provisions of the bill the study they require and Canadians expect.

Others will speak in detail to the work of those committees. I know that some of my colleagues on this side will be speaking to this, and I hope that senators on the other side who were participants in those committee studies will also take the opportunity to participate in the debate.

However, I think the unprecedented breadth of this monster bill is well illustrated by the fact that during the pre-study our National Finance Committee had to devote fully 10 hearings just to hear from government officials on the bill. That is an important thing to do, but that is only one part. Of course, every hearing taken up by government officials is one less hearing when other Canadians — experts and others with important insights or concerns they want us to hear — cannot be heard.

• (1750)

During the pre-study phase, whole divisions of the bill were discussed only with officials because there was no time for anyone else. I mentioned that no outside witnesses were heard on the elimination of the inspector general of CSIS, but that was not the only area of the bill where no non-governmental witnesses were heard.

No outside witnesses were heard at all in our Standing Senate Committee on National Finance on 68 per cent of the divisions of this bill. Many of those clauses of the budget bill were also not addressed by third-party witnesses in the other place. In all, 41 per cent of the divisions of this bill were not covered by any witness other than, of course, the government's own officials in either chamber.

Is that how Parliament should work?

Some Hon. Senators: No.

Senator Cowan: Honourable senators, how can we pass a bill if no witnesses outside of government officials have been heard on so many critical parts?

Apparently Prime Minister Harper believes that is exactly what we should do. With one vote, we should express our view on every single one of its measures without having had the opportunity to hear from anyone except his own officials. For the Harper government, that is how Parliament works best.

If anyone has any doubt that Mr. Harper knows exactly what he is doing with these omnibus bills, one need only turn back to 1994. Honourable senators have said these words before and quoted them, but they deserve repeating.

In 1994, a newly minted Reform MP by the name of Stephen Harper rose in his place to object to a much more modest omnibus budget bill. He said:

I put it to you, Mr. Speaker, that you should rule it out of order and it should not be considered by the House in the form in which it has been presented.

... the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles.

He said:

... the drafters of Bill C-17 have incorporated in the same bill the following measures: public sector compensation freezes; a freeze in Canada assistance plan payments and Public Utilities Income Tax Transfer Act transfers; extension and deepening of transportation subsidies; authorization for the Canadian Broadcasting Corporation to borrow money; and changes to unemployment insurance with respect to benefits and the payroll taxes.

Mr. Harper then argued that the bill was, as he put it, "beyond what is acceptable from a strictly parliamentary standpoint."

Honourable senators, Bill C-38 goes far, far beyond what Mr. Harper found so distasteful in 1994. The honourable senators opposite should remind Mr. Harper the next time they see him in caucus that in 1994 he said:

... the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles.

Those are not my words; those are the words of the leader of honourable senators opposite, Prime Minister Stephen Harper. Explain to Mr. Harper how those words are even truer today for all of us with Bill C-38 because of the multiplicity of measures that it contains.

This is how we are now asked to pass laws in Canada. This is not Canada. As Lawrence Martin has written, we are now living in "Harperland."

Honourable senators, now that the government has brought down the guillotine on further debate, I think it would be useful to ask: What is it in the bill that the Prime Minister is so anxious to have passed into law without scrutiny by Parliament or Canadians?

The bill, as Senator Day has pointed out, is entitled the "jobs, growth and long-term prosperity act." However, honourable senators, testimony heard in our committees and in the other place suggests that this bill is not designed to ensure jobs, growth and prosperity for all but instead for only a select few. In fact, a number of its provisions have been said to represent "a race to the

bottom." To make matters even worse, the bill includes provisions to cut away at the social safety net that was established by successive governments, Liberal and Progressive Conservative, to protect hard-working Canadians in tough times.

Bill C-38, for example, repeals the Fair Wages and Hours of Labour Act, which is the law of the land today. It requires contractors for federal construction projects to pay at least the prevailing wage, and to pay overtime when someone works more than 48 hours a week. The prevailing wage — not the prevailing wage plus a premium, just a statutory obligation that for the construction contracts with the Government of Canada, for those contracts, workers must now be paid the prevailing wage.

Honourable senators, this has been the law of Canada since June 28, 1935. Now, 77 years later, almost to the day, that will change.

Senator Eaton: Yes; it is about time.

Senator Cowan: I believe that leaders set a tone and a standard, if not an example. For the federal government to want to pay Canadians employed on federal projects less than the prevailing wage seems to me to be fundamentally wrong. If this is leading by example, then Canada really is in a race to the bottom under this government.

Senator Cordy: It is a budget for the 1 per cent.

Senator Cowan: Another example of this race-to-the-bottom approach to governance is found in Division 54, which deals with temporary foreign workers. Regulatory changes will permit temporary foreign workers to be paid 15 per cent less than the regional average rate. Bill C-38 would put in place a new, faster process whereby employers will be able to turn to temporary foreign workers instead of recruiting Canadians or permanent residents.

Senator Tardif: Some job creation.

Senator Cowan: Employers will only be required to put an advertisement for five days on the Canada Job Bank website to demonstrate that they tried and failed to find suitable Canadians to hire.

Honourable senators, 20 per cent of Canadians do not have access to the Internet. Since the Harper government stopped funding the Community Access Program, those Canadians will have even less chance of seeing those advertisements.

Senator Fraser: That is absolutely true.

Senator Cowan: I can see how this plan is designed for employers, but how is it a plan for jobs for Canadians? Do we want a Canada with two classes of workers — Canadian workers and temporary foreign workers, paid at radically different levels? How will this not put pressure on wages to go down? Once again: a race to the bottom.

Senator Fraser: That is right.

Senator Cowan: Perhaps Bill C-38 should be renamed. Instead of “jobs, growth and long-term prosperity act,” perhaps we could call it the “jobs for some but at low wages, growth for big corporations — many of them foreign-owned — and long, downward prospects for hard-working Canadians looking for prosperity act.”

Senator Tardif: A much more appropriate title.

Some Hon. Senators: Hear, hear!

Senator Cowan: That title would more accurately reflect what is being done in the government’s most recent budget.

In Prince Edward Island, a study compiled by the law firm McInnis Cooper says P.E.I. stands to lose about 750 jobs over the next three years if proposed budget cuts are approved.

I hope you are listening to this, Senator Duffy.

Senator Duffy: I have known the author, Senator Cowan, and I take it with a grain of salt!

Senator Cowan: This includes up to around 300 private sector, non-government jobs — 300 private sector, non-government jobs. That may not sound like a lot, honourable senators, but those job losses would drain about \$61 million from the economy of Prince Edward Island, which is about 1.2 per cent of the province’s GDP.

How is this a prescription for jobs, growth and long-term prosperity?

Senator Fraser: It will bring a recession to Prince Edward Island.

Senator Cowan: Meanwhile, the Harper government is gradually, as quietly as it can get away with, cutting away at Canada’s social safety nets.

On page 372 of the bill, clause 605 replaces two subsections of the Employment Insurance Act with one subsection just four lines long. It looks to be a small, minor change, easily overlooked in this lengthy, complex bill. However, this clause actually deletes the provisions that were set out in the act itself defining “suitable employment” for purposes of qualifying for EI. These are critical provisions that determine which Canadians would receive EI benefits. Cabinet will now control the definition of “suitable employment.” This will no longer be set out in the act itself, meaning that these rules will not have to pass muster here in Parliament before passing into law.

• (1800)

Honourable senators, *The Globe and Mail* strongly condemned this move, publishing an editorial on May 25 that said this important national debate about what constitutes “suitable employment” should be held in Parliament rather than taking place behind closed doors in the cabinet room and under the heavy veil of cabinet secrecy.

These changes to EI will have a profound effect on seasonal industries — industries that are critical to my region of Atlantic Canada. We learned in recent weeks that not one of the Atlantic

Canadian premiers — and we have New Democrat, Liberal and Conservative Atlantic Canadian premiers — was consulted about those changes, so it appears that political affiliation does not matter. Conservative, Liberal, NDP premiers were all ignored. It is not only parliamentarians’ views that are not welcome; neither are those of the premiers, at least not those in Atlantic Canada. I ask again, who are these jobs, growth and long-term prosperity for?

If the changes the government proposes are indeed the best ones, why are they so reluctant to test them in open public debate? Why remove key provisions from the act and bury them in regulations drafted behind closed doors without consultation — at least not with anyone who might disagree — and then passed behind other closed doors, this time in cabinet?

Human Resources Minister Finley defended her government’s proposed changes to EI saying that their goal is to “connect Canadians with available jobs.” In other words, it is all about getting information out to Canadians. The government’s plan: send out job email alerts.

However, as I said a minute ago, 20 per cent of Canadians do not have access to the Internet, and among low-income households, including 100,000 EI recipients, that number doubles to 40 per cent.

At the same time that these changes are being made, the government is reducing the information that will be collected by Statistics Canada about the EI program. The Human Resources Department will no longer be able to provide key data about the program to StatsCan. Canadians will not be able to find out current information about the dollar value of EI claims or track the average claim in terms of dollars per week. We will no longer be able to track how much money is going to each province under the program.

Radical changes are being introduced that will have significant impacts on a number of provinces, but the information about those impacts and the impact of those changes will no longer be provided to Statistics Canada.

Once again, not only does this government refuse to base its policies on evidence and facts, it sets about making sure that Canadians and parliamentarians cannot get access to the facts and evidence to determine for themselves what the real impact of those policies will be on Canadians.

Lawrence Martin wrote *Harperland*, a most enlightening book that I am sure most of us have read. Senator LeBreton can add him to her hit list. *Harperland* has been described as a place of no facts, no evidence-based policies and where they do not allow facts or evidence to be collected that people could use to judge those policies.

At the same time that the Harper government is changing the rules for EI, it is drastically cutting back on Canadians’ ability to appeal the EI decisions that result. Right now there are about 1,000 people who work part time in EI panels consisting of a government-appointed chair, someone representing labour and someone representing employers. These panels are located across

the country in every region. They know the local labour market; they understand the concerns of employers and employees. This system is being scrapped.

An Hon. Senator: No!

Senator Cowan: The honourable senator should read the bill; I am sure she has.

Under Bill C-38, there will now be 39 people, all Conservative appointees presumably, working full time here in Ottawa. Only 39 people will be responsible for a system that now involves some 25,000 appeals a year. The National Finance Committee heard that there were 50,000 appeals launched I think in the past year, but half of them get settled.

Honourable senators, how will 39 people hear and resolve 25,000 appeals a year?

An Hon. Senator: They will not.

Senator Cowan: Mathematically it seems impossible. Of course, it is not only the unemployed who are being targeted by this government. Low-income Canadians who need Old Age Security are also under fire.

Let us be clear, honourable senators. The changes to OAS, raising the qualifying age from 65 to 67, were never part of the Conservative election platform. They were not mentioned in any Speech from the Throne. Instead, Canadians learned about it when the Prime Minister gave a speech in Switzerland.

Honourable senators, why are these changes part of Bill C-38, subject to time allocation and supposedly critical to the government's plan for jobs, growth and long-term prosperity. The changes are to be phased in beginning more than 10 years from now. Why, then, the rush to squeeze them into this bill where there is scant opportunity for study and debate?

The government claims that the change is necessary given demographics, that it is necessary if OAS is to be sustainable. However, the Parliamentary Budget Officer, Kevin Page, disagrees. His office concluded:

While there may be other policy rationales for changing the OAS program, PBO's analysis indicates that the program itself is financially sustainable over the long term within the government's current fiscal structure, given projected demographic and economic trends.

Honourable senators, here again it has been excruciatingly difficult for Canadians to obtain information from this government. I invite you read the transcripts of the Finance Minister's testimony to the committee in the other place. He was asked several times what the anticipated financial savings will be from the OAS changes, a perfectly reasonable question. He could not answer. He said the government does not make projections that far in advance. They do not project beyond five years. He was asked specifically about a figure he himself had mentioned a few days earlier, that the change would result in savings of \$10 billion to \$12 billion. Minister Flaherty replied that those were figures he had heard from the media.

The fact of the matter, to quote Senator LeBreton, is that the figure came from the government's own Office of the Chief Actuary. That office calculated the savings to be \$10.8 billion. Aaron Wherry of *Maclean's* has followed this issue closely. He wrote in his blog on May 28:

The Office the Superintendent of Financial Institutions tells me today that "the Office of the Chief Actuary provided preliminary estimates to [Human Resources and Skills Development] officials before the Tabling of the Budget." The budget of course was tabled on March 29.

In other words, honourable senators, the government knew for a long time what the savings from these measures were projected to be, and the source was not the media but its own Office of the Chief Actuary.

Indeed, the Conservatives have been considering changes to seniors' pensions for years. The *National Post*, perhaps a newspaper more to the liking of my friends opposite, reported on May 17 that Finance Minister Flaherty's department prepared a draft report in 2007 on the costs and policy implications of Canada's aging population. You will recall that the Conservatives only had a minority back then, so in the words of the *National Post*, "the Conservatives decided to keep it under wraps." The article continued:

They introduced four budgets and ran in two elections without publicly signalling that cuts to the pension plan could be in the offing. It wasn't until after winning a majority government that Prime Minister Stephen Harper revealed earlier this year his plans to slash pensions for future senior citizens.

When Postmedia requested a copy of the Finance Department report, the government refused on the grounds of "advice or recommendations" to a minister.

In other words, honourable senators, this change to OAS was not something that came to the Prime Minister suddenly by way of some divine inspiration in Davos, Switzerland. This was not a response to Canada's fiscal prospects worsening due to a turbulent international situation. This dates back five years to before the 2008 economic downturn, back even before the Conservatives had managed to spend the healthy surplus that they inherited from the previous Liberal governments and to drive Canada back into deficit.

• (1810)

This was a deliberate policy, long planned by Mr. Harper and deliberately hidden from the electorate, election after election. Now it is being pushed through as part of an omnibus bill, with bully tactics, limited debate and minimal scrutiny.

I ask again: Whose long-term prosperity is this bill designed to ensure? Certainly not that of the far too many Canadians with low incomes who depend on OAS and on the Guaranteed Income Supplement that is tied to it. They depend on this just to get by. The OAS and Guaranteed Income Supplement, along with the Canada Pension Plan or Quebec Pension Plan, combined to go a long way to wipe out poverty among elderly Canadians. We are not talking about prosperity here; we are talking about elderly

Canadians who just want to be able to get by. Let me read to you briefly from the testimony of a Mr. Nikias, of the Council of Canadians with Disabilities, which was given to the Finance Committee in the other place on June 1. He said:

The Old Age Security benefit, coupled with the Guaranteed Income Supplement, is better than any social assistance program in Canada, with the exception of Alberta's AISH program, where a significant increase was announced in December. Sadly, many Canadians with disabilities look forward to turning 65 because they will have a better income benefit and will be raised out of poverty.

Increasing the age of entitlement for OAS will force people with disabilities to live in poverty longer.

Honourable senators, this should give all of us pause. When it comes time to stand up and be counted, we will be voting on whether or not to force Canadians who already suffer from severe disabilities to live in poverty even longer than so many of them already do today. I, for one, will not be a party to any decision to add to the already considerable burdens of disabled Canadians.

I want to turn now to one of the most controversial provisions in an already very controversial bill, the clauses that deal with environmental protection.

This budget bill repeals the entire Canadian Environmental Assessment Act and replaces it with the Canadian Environmental Assessment Act 2012.

The Minister for the Environment, Mr. Kent, has admitted — indeed he seemed to say it as a point of pride — that the new act will eliminate most of the environmental assessments of economic projects that are now conducted by federal authorities. He also admitted that he does not know how provincial governments would be able to match Canada's national standards under proposed rules that would allow them to substitute for federal environmental assessments.

Honourable senators, others have estimated that some 90 per cent of federal environmental assessments will be eliminated.

The government defends its proposed changes on the grounds that there is too much duplication in reviews at the federal and provincial levels and that this causes excessive delay. Honourable senators, particularly those on the other side, an internal government document prepared for a presentation jointly delivered by Environment Minister Kent and Natural Resources Minister Oliver to Conservative parliamentarians last September — perhaps some of you were there — said that changes made in 2010 to environmental reviews of industrial projects are already preventing process duplication. Let me read to you the document as it was quoted in the *Ottawa Citizen* on May 31.

This is from this presentation made by Minister Kent and Minister Oliver:

Amendments made in 2010 have made the CEA Agency responsible for most comprehensive studies; this change is yielding positive results as all agency-led comprehensive studies have started in alignment with provincial reviews, preventing process duplication.

Honourable senators will recall those changes to the Environmental Assessment Act. They were made in the 2010 omnibus budget bill. The sponsor of the bill, here in the Senate, was Senator Gerstein. This is what Senator Gerstein said on June 9, 2010:

This part of the bill clarifies the process for determining what type of environmental assessment is required for a given project, and centralizes the authority and accountability for such assessments. It also entrenches in legislation exemptions that already exist in regulation for certain federally funded infrastructure projects.

In sum, Bill C-9 will ensure environmental assessments remain effective, while making them more efficient. This will improve coordination with the provinces on shared-cost projects and expedite the billions of dollars worth of federal infrastructure investments that are essential to year two of *Canada's Economic Action Plan*.

Just a few months ago, according to documents obtained by the *Ottawa Citizen*, the ministers responsible for the environment and for natural resources were telling their Conservative caucus colleagues that those changes had worked and duplication between the federal and provincial governments was no longer an issue. Yet, now we are presented with yet another omnibus budget bill that significantly rewrites our environmental assessment laws in order to minimize duplication. There is no logic to what the government is saying and what it is doing on environmental issues. That is clear to everyone.

Dr. Brundtland, the former Prime Minister of Norway, who has also headed up the World Health Organization and served as a UN climate change envoy, was in Canada a couple of months ago. She was interviewed by *The Globe and Mail*. *The Globe and Mail* told her that the scientific basis for climate change has come under attack in Canada and that there are some politicians who believe that the link between human activity and global warming is inconclusive. This is what she said:

That is anti-scientific and naive. Politicians and others that question the science, that's not the right thing to do. We have to base ourselves on evidence.

She was then asked what message she had for political leaders dealing with environmental issues, and she said:

It is important not to be influenced by, and inspired by, *laissez-faire* attitudes, which first had an impact before the [U.S.] financial crisis and the [BP oil spill] in the Gulf of Mexico. When you liberalize regulations, and you leave it more to the companies, whether banks or oil companies, I don't think this is the right way to go. You have to have governance. You have to have serious and strict regulations.

Honourable senators, the Harper government is not simply being influenced by precisely these kinds of *laissez faire* attitudes, it is being guided by them. Under the guise of reducing red tape, it is leaving regulation to the companies, especially the oil companies, themselves. It is abandoning its legitimate and proper role as regulator.

Postmedia recently obtained internal government documents that show that the Harper government has even stopped staying that it is promoting “environmentally sustainable development” of Canada’s oil sands. Instead, it is simply referring to “environmentally responsible development.”

Prime Minister Harper’s former caucus colleague, Bob Mills, a former Reform and Conservative MP, has taken the unusual step of publicly warning Canadians that we will all pay a price for Prime Minister Harper’s imbalanced and mistaken approach on environmental and economic issues. This is what he said:

Stephen Harper puts other priorities, I think, ahead of the environment and I think that’s a mistake.

Honourable senators, I have said here many times that our policies must be based on facts and evidence. The scientific evidence is overwhelming. Climate change is real and demands immediate, responsible action by leaders of the major nations of the world. Just recently, a group of 18 scientists from countries around the world, including Canada, the United States, the United Kingdom, Chile, Finland and Spain, published an article in the highly respected scientific journal *Nature*. The scientists said the Earth’s ecosystems could reach a point of no return, resulting in rapid, irreversible collapse in as few as 50 years. They said that human activities are pushing the planet toward a critical threshold for “state shift,” not unlike the transition from the last ice age 12,000 years ago.

• (1820)

Yet the Harper government, instead of stepping up its efforts to assess projects for their impact on the environment, is simply stepping away.

Senator Mercer: Back to the dinosaurs.

Senator Cowan: This is not an either-or situation. It is not “gung-ho development” versus “pristine, protected parklands.” It is a question of balance. However, if the government has struck an equitable balance, why is it so afraid to defend it in free and open debate? The Harper government has repeatedly shut down debate on this bill. Many Canadians will find themselves without standing to speak at public hearings on proposed projects.

Scientists are being cut from Environment Canada, and those who remain in the public service are muzzled and they are not free to speak about their research. Independent organizations — even charities — find themselves either marginalized, their funding cut, or vilified by ministers or others, including some in this chamber.

Honourable senators, how can Canadians have any confidence that this government is taking a responsible, balanced approach, when it refuses to listen to any dissenting views?

Honourable senators, cutting off dissenting voices — refusing to listen to anyone but those who will echo your own views back to you — this is not a path for long-term prosperity for this country.

Mr. Mills is not the only former Conservative MP driven to speak out against Bill C-38. The changes being proposed in Bill C-38 to environmental reviews will also, as we have heard,

have a major impact on our fisheries. Four former federal ministers of fisheries — two Conservative and two Liberal — took the highly unusual step of joining together and writing a letter to Prime Minister Harper expressing their “serious concern regarding both the content of Bill C-38 and the process being used to bring it into force.” Those four were Tom Siddon, David Anderson, John Fraser and Herb Dhaliwal, all from British Columbia, a province with much experience in and concern for our fishery.

This is what they wrote:

We have had lengthy and varied political experience and collectively have served in cabinet in Progressive Conservative and Liberal governments alike. We believe we have a fair understanding of the views of Canadians. Moreover, we believe there is genuine public concern over the perceived threat this legislation poses to the health of Canada’s environment and in particular to the well-being of its fisheries resources. We are especially alarmed about any possible diminution of the statutory protection of fish habitat, which we feel could result if the provisions of Bill C-38 are brought into force. Migratory salmon and steelhead are icons of our home province.

They are speaking about British Columbia.

Our experience convinces us that their continued survival would be endangered without adequate federal regulation and enforcement, particularly in the area of habitat protection.

They continued:

With respect to process, we find it troubling that the government is proposing to amend the Fisheries Act via omnibus budget legislation in a manner that we believe will inevitably reduce and weaken the habitat-protection provisions. Regrettably, despite the significance of the legislation, to date the responsible ministers have provided no plausible, let alone convincing, rationale for proceeding with the unusual process that has been adopted.

Again, these are the former ministers who are speaking:

Quite frankly, Canadians are entitled to know whether these changes were written, or insisted upon, by the Minister of Fisheries or by interest groups outside the government. If the latter is true, who are they?

This is not the first time that former Conservative Fisheries Minister Tom Siddon has spoken out against these provisions of Bill C-38. On May 1, he was interviewed by Anna Maria Tremonti on CBC’s *The Current*. He was asked what concerns him the most about the proposed changes to the Fisheries Act contained in the bill. He was blunt. This is what he said:

Well, you can play with all the words you like, but there’s no two ways about it, and what I’ve read now the provisions of omnibus Bill C-38, this is a covert attempt to gut the Fisheries Act, and it’s appalling that they should be attempting to do this stuff under the radar in this way.

Some Hon. Senators: Shame.

Senator Cowan: There are a number of proposed changes to the Fisheries Act that are causing deep concern among Canadians. The bill amends the act to limit fish protection to the support of "commercial, recreational and Aboriginal fisheries." Protection of fish habitat is relegated to a vastly lower priority — something that caused those four former fisheries ministers, in their words, "special alarm."

The Current that day included a clip from an interview with Des Nobles, a fisherman and conservationist on Digby Island in British Columbia. Mr. Nobles explained that the fish habitat is very complex and everything in the marine environment is interrelated, something I would have thought was obvious. This is what he said:

There's nothing here that stands alone. And for the Canadian government to begin to sort of "silo" fish as either economic or not, is just — it's beyond belief. . . . What we're seeing here is a slightly larger issue than just salmon and fish habitat. I think we're seeing a very concerted effort on the part of the Canadian government to undermine the resource base that all of us in this country rely on. I think in the end they need to care about the people here and they need to care about the fish that's here. This is one country. We can't begin to silo it off into pieces and say this one is expendable and that one needs to be maintained.

Honourable senators, we need to listen to people like Mr. Nobles. Just as a vibrant and healthy society does not have any expendable parts, neither does a healthy environment or a healthy fishery have expendable species. To make matters worse, once again, we see the Harper government seeking to cut off any source of information that may lead Canadians to question the wisdom of its policies.

Bill C-38 eliminates \$2 million in annual funding to the Experimental Lakes Area in northwestern Ontario. This research centre will close within a year if a new operator cannot be found. John Smol, a biologist at Queen's University, has said that the Experimental Lakes Area is the best-known freshwater research facility on the planet.

The planned closure of the centre was the subject of an article on May 21 in *Nature* magazine. The article described the importance of some of the research that has been conducted in the Experimental Lakes Area. This is a quote from the article:

Scientists have manipulated the area's lakes to show how acid rain destroys lake ecosystems, how the ingredients found in birth-control pills can cause the collapse of fish populations and how wetland flooding for hydroelectric dams leads to increased production in methyl mercury and greenhouse gases, while unmanipulated lakes have provided long-term comparative data. Studies done there have influenced policy, most notably the creation of an air quality agreement between the United States and Canada in 1991, which led to reductions in acid rain.

As an aside, that acid rain agreement negotiated so successfully with the United States in 1991 — by Prime Minister Mulroney — required a prime minister who was not raised believing in

firewalls. This is what Prime Minister Mulroney said in his memoirs. He described the focused, determined efforts that achieving the agreement with the Americans required. He recalled pressing President Reagan for action "at every single one of our countless meetings, continually broaching the subject, even when members of his administration grew very tired of hearing it." When President Reagan was about to address a joint session of Parliament, Prime Minister Mulroney took the opportunity to raise the acid rain issue again publicly. He said:

But this is more than a Canadian problem. It is a transboundary problem which requires a transboundary response. . . . In this matter, time is not our ally but our enemy. The longer we delay, the greater the cost. For what would be said of a generation that sought the stars but permitted its lakes and streams to languish and die?

• (1830)

Honourable senators may remember that speech. Mr. Mulroney recalled in his memoirs that MPs and senators greeted his words with "sustained applause." Back to the Experimental Lakes Area research facilities, which senators opposite will be voting to close and which provided such valuable scientific information to Prime Minister Mulroney when he negotiated that agreement.

Dr. Jules Blais, President of the Canadian Society of Limnologists, which deals with the study of inland waters, has spoken about "groundbreaking research" conducted on the ELA on nano-silver. It is something used on clothing and as an antibacterial agent, but it is highly toxic. Scientists at the ELA demonstrated that nano material is absorbed more quickly into the food chain than traditional industrial substances.

Most recently — just this week — two provincial governments, Ontario and Manitoba, took the unusual step of writing to the federal Minister of the Environment and to the Fisheries Minister asking that the decision to close the Experimental Lakes Area be deferred and that the federal government explore the possibility of a new operating regime. They described the research station as a "gem," and as a:

. . . unique, world-renowned freshwater research facility that has been a global leader in understanding human impact on fish and the freshwater they live in.

Honourable senators, this government says it is concerned about responsible managing of its resources. It will be saving \$2 million a year by closing down this centre. However, as reported in *The Globe and Mail* on June 15, some estimates suggest that it will cost as much as \$50 million to close the site and to remediate the lakes that have been part of the experiment.

Help me with this: For savings of \$2 million a year, in times of severe fiscal restraint, the government is prepared to spend \$50 million to close and remediate the site? How is that responsible management of finances?

Honourable senators, to add some perspective, while insisting that this \$2 million-a-year centre must close, the Harper government — and I said this earlier — is spending more than \$28 million to mark the anniversary of the War of 1812. Here in Ottawa, cabinet ministers have run up a tab of more than

\$600,000 in overtime charges for their drivers. Of course, there was Minister Clement's gazebo and the fake lake. In Harperland it is clearly better to spend money on fake lakes than on protecting real ones.

It has been suggested that there is a different motive at play here and that in fact the real reason the Harper government is cutting funding to the ELA is because it is producing data that the Conservatives do not want to hear, particularly about the impact of the oil sands.

Senator Tardif: Exactly.

Senator Moore: Those are the facts.

Senator Cowan: *The Globe and Mail* interviewed Dr. David Schindler, an internationally renowned scientist, well known and highly respected by most of us in this chamber, and a professor at the University of Alberta. He has said that this decision will eliminate an effective monitor of the impact of the oil sands.

Senator Fraser: That is why they are doing it.

Senator Cowan: From the article in the *Globe*:

Recent studies conducted at the station have found that when the mercury input to a lake is cut off, the lake begins to recover . . . That contradicts the oil industry's position, which says that once mercury, it is beyond repair and adding more won't make any difference.

Dr. Schindler says:

My guess is our current managers don't like to see this kind of [research] because the oil sands have an exponentially increasing output of mercury . . . I think the real problem is we have a bunch of people running science in this country who don't even know what science is.

Honourable senators, this is not just a theoretical problem. There have been three oil spills from pipelines in Alberta just in the past month, and eight in a little over a year. Two years ago, 3.3 million litres of bitumen — oil from the oil sands — spilled into the Kalamazoo River in Michigan from a rupture in the Enbridge pipeline. It is two years later and the cleanup is still under way. At that time, it was considered the worst oil spill in Midwestern history. Since then, it has become the costliest and longest oil pipeline cleanup in U.S. history, with portions of the river only just to be reopened now for recreational use. Many residents say they will never eat any fish caught in those waters.

On Wednesday, CBC's *The Current* interviewed Stephen Hamilton, a professor of aquatic ecology at Michigan State University who was hired by the Environmental Protection Agency to manage the cleanup from the Kalamazoo pipeline spill. He explained how the bitumen is different from crude oil and how unprepared authorities were for knowing how to clean it up after a spill. Bitumen, as we know, is thick and tar-like. That is the reason why some people call oil sands the "tar sands."

To let it run through a pipeline it has to be diluted, usually with lighter hydrocarbons that are akin to gasoline. After the spill, the diluting liquid evaporates, leaving behind thick tar. It is deposited

on vegetation, the banks of the river and anything else that happens to be in the way.

That is what happened to the Kalamazoo River as a result of that spill.

As Dr. Hamilton pointed out, had the pipeline break happened deep down in the groundwater or under a large water body, then as he described it, the dilutant would not have evaporated and its high toxicity in the water would have been an additional huge factor to deal with.

Honourable senators, the cleanup of that spill in the Kalamazoo River is still ongoing two years later. The river has been shut down for two years.

Pipelines break; there will be spills. We need research stations like the one in the Experimental Lakes Area so that we have the best scientific knowledge governing where pipelines should be built, how they should be built and what to do inevitably when there is an accident.

As I said earlier, it costs \$2 million a year for this science from the Experimental Lakes Area. Meanwhile, Enbridge has estimated the cleanup costs for the Kalamazoo spill at \$725 million. That is quite a comparison with the \$2 million annual cost of maintaining the facility in the Experimental Lakes Area.

Indeed, honourable senators, I also note that the supposed savings of \$2 million a year are a fraction of the \$8 million in new funding that Budget 2012 was able to find to audit charitable organizations that engage in perfectly legitimate public policy activities.

Senator Fraser: Shame!

Senator Cowan: We know that a prime target of this government has charitable organizations involved in environmental protection.

Could the Canada Revenue Agency not manage with \$6 million for these audits and leave \$2 million to this important research?

Unfortunately, the Experimental Lakes Area research station is not the only casualty of Bill C-38. The budget bill eliminates the National Round Table on the Environment and the Economy. *The Globe and Mail* ran a lead editorial on this decision which was headed "Even a moderate body now must die." They pointed out that the round table "is no bastion of radicalism." In fact, it looks like a bit of a home for old Tories.

They wrote this:

But at a time when hearings into a major oil pipeline in the West will be held, and when Ottawa is opening up northern waters for oil exploration, this group was apparently imagined to be a threat simply because, as its name implies, the economy and the environment are equally important. Perhaps its very name made it vulnerable.

The government's position has been that the round table is no longer needed; others feel its role is perfectly adequate. Senator LeBreton told us recently on June 11 that she recalls when the organization was established in the 1980s.

Senator LeBreton: That is right.

Senator Cowan: She said:

It met a requirement and need at the time, but times change, and at the present time there is no shortage of organizations that are able to provide advice and research. There is now no longer a need for the National Round Table on the Environment and the Economy.

Senator LeBreton: He quoted me correctly.

Senator Cowan: The list of those eminent and knowledgeable Canadians who disagree with her is a long one indeed. Let me name just one person, the government leader's own cabinet colleague, the Minister of the Environment, Peter Kent.

• (1840)

Senator Tardif: That is interesting.

Senator Cowan: The National Round Table on the Environment and the Economy just published a report last Wednesday, June 13. It was called *Reality Check: The State of Climate Progress in Canada*. It included a ministerial reference letter from and signed by Environment Minister Kent requesting this report. Let me read from the Minister's letter. He wrote:

As an independent advisory agency which reports to Parliament through the Minister of the environment, the NRTEE is in a unique position to advise the federal government on sustainable development solutions.

Senator Tardif: That was why they had to die.

Senator Cowan: "A unique position . . ."

An Hon. Senator: That is true.

Senator Cowan: Evidently the Environment Minister did not consider the NRTEE to be redundant or unneeded.

Bill C-38 will take the wrecking ball to the round table. Its June report — all 175 pages — will be its last. The Harper government is not interested in its advice or its reports. The Harper government's approach is the less information available to Canadians about this government's sorry record on the environment the better. An organization that dares to speak the truth and is funded by the government? Cut its funding, or in this case, eliminate it entirely.

Honourable senators, there is much more to be said about Bill C-38, but most regrettably the government has made it clear that it has no interest in hearing any of it — no interest in amendments, even though the Finance Minister himself admitted the bill was not without flaws; no interest in serious study of the bill; no interest in hearing from Canadians; and, honourable senators, given its use again and again of time allocation, no interest in even hearing what its own caucus members have to say.

We should not wonder that this government is anxious to have as little discussion as possible about the substance of Bill C-38 or, indeed, so many of its other bills. Canadians would then see what

their nation is becoming under Prime Minister Harper. They would see very clearly a transformation that is quietly taking place.

So what does Harper's Canada — Harperland, as Lawrence Martin dubbed it — look like? A few Canadians will be very rich, but many, many more will not. Income inequality is increasing. Nothing in Budget 2012 or Bill C-38 will address that issue of income inequality. Honourable senators, the word "inequality" does not even appear — not once — in the whole budget bill. The Harper government either refuses to admit that it exists or simply does not care.

Do not think that getting together to negotiate as a group will help. This government behaves as if it believes that labour unions have no role in a free market economy. All of us have sat here for long hours in this chamber arguing against back-to-work legislation tabled by this government, some even before any strike had begun.

Health care? The federal government is not interested. Let each province take care of its own. As I said, inequality, whether amongst Canadians or provinces, is not a concern for the Harper government. Drug shortages? How to make health care sustainable for Canadians? The Harper government dropped a cheque on the table and walked away.

An Hon. Senator: The world is coming to an end.

Senator Cowan: We know that income inequality exacerbates health problems.

The social safety net that Canadians have trusted will be there if they should ever find themselves in need is being cut bit by bit. Employment Insurance and Old Age Security — cut back just a bit at first. The changes to OAS, as we know, will not take effect for years. Perhaps Canadians will not notice, or they will not be too upset, but the principle has been established; the erosion and the undercutting can begin.

Some are sitting up and taking notes. Alex Himelfarb, former Clerk of the Privy Council, wrote an article about Budget 2012, which he headed "Going, Going, Gone: Dismantling the Progressive State."

Part of the Canadian identity has been our natural environment — the clean rivers, the lakes, the beauty of our landscape. Bill C-38, of course, brings down the wrecking ball upon environmental assessments. That is not important to the Harper government. Canadians can go to national parks to enjoy nature, but be warned that the price of admission has gone up to pay for, among other things, the fake lake constructed to show the world what Canadian lakes used to look like.

Meanwhile, government departments have been stripped of scientific expertise, and those scientists who remain have been firmly muzzled and gagged. They are not even allowed to speak freely to Canadians about the results of their research, which, of course, was paid for by Canadian taxpayers.

We have already lost the long form census. Critical information that was essential to governments, organizations, businesses, not-for-profits, think tanks and individuals is gone. If you do not have the facts, how can you challenge a policy? Now Budget 2012 has cut funding to Statistics Canada. Layoff notices have been sent to nearly half of the agency's 5,700 staff. Not all of those people will lose their jobs, but Wayne Smith, Chief Statistician of Canada, has warned, and these are his words: "Government departments will see the volume and detail of information available sharply reduced." He described 2012 as "a year of sacrifice." Interesting choice of words.

Dissenting voices? Gone. Charities that used to be active participants in public policy debates are falling silent, afraid that they will become the object of the ire of this government. Independent watchdogs? Fire them or refuse their reappointment or, in the case of the Parliamentary Budget Officer, refuse him access to the information he needs to do his job. Lapdogs are so much more docile and obedient than watchdogs.

This is Harperland — listen only to those who echo what you want to hear and cut off all dissenting voices. At the end of the day, force your own supporters in Parliament to vote on a bill — and I will use Mr. Harper's words — a "bill so diverse that a single vote on the content would put members in conflict with their own principles."

With Bill C-38, Prime Minister Harper has put honourable senators opposite in that very situation, and the icing on his cake is that they are all expected to vote in conflict with their own principles with public enthusiasm. I do not envy them their position.

Some Hon. Senators: Hear, hear!

Senator Cordy: Honourable senators, I will take this opportunity at second reading of Bill C-38 to speak about the process the government has used with this so-called budget bill. I have received hundreds of emails and letters from Canadians who are very concerned about the massive size of this bill. Bill C-38, the Harper government's omnibus budget bill, has been referred to as the "kitchen sink bill" with its sprawling scope and mishmash of bills, some from previous sessions. The process of having a bill containing over 750 clauses and modifying over 70 acts is an affront to parliamentary procedure and democracy. It is an abuse of power.

Mr. Harper pontificates on the fact that with his majority government, Canadians gave him their blessing to push through his Canada-altering ideological agenda and the opposition should just be quiet and step aside. This is it not just arrogance; it is disrespect and contempt for Canadians and for the parliamentary system.

His cabinet forcefully contended in the other place that all these measures fulfill their election mandate. Funny thing: During his trips through Atlantic Canada during the last election, I do not recall Mr. Harper promoting the benefits of raising the OAS eligibility age or explaining to voters about the planned changes to EI.

Bill C-38 may not be the longest omnibus budget bill to pass through this place in 20 years — that dubious distinction would go to the Harper government's 2010 budget bill, but it is certainly the furthest reaching. Containing 753 clauses, Bill C-38 sets out to amend over 70 separate acts, many of which should not be within the budget implementation legislation.

• (1850)

What exactly is Mr. Harper ramming through Parliament with this ideological bill?

He is raising OAS eligibility from 65 to 67. This change will target Canada's lowest income workers, the disabled and the most vulnerable seniors. The government claims the system is unsustainable, which, by the way, is contrary to the findings of experts.

He is changing the EI program by redefining "acceptable work" under the threat of revoking benefits. The budget bill reduces benefits for those who are seasonal workers, those who have jobs in fishing, farming, tourism and construction jobs — even those who work in the Parliamentary Dining Room. Minister Finley stated that this was done after consultation with Conservative MPs, including the advice and support from Nova Scotia Conservative MPs Peter MacKay, Greg Kerr, Gerald Keddy and Scott Armstrong.

Mr. Harper is eliminating environmental assessment requirements, paving the way for big oil to proceed unimpeded without all the hassle of environmental scrutiny.

Mr. Harper is repealing the Fair Wages and Hours of Labour Act, which compels contractors bidding on federal contracts to pay fair wages and overtime.

He is eliminating funding for the Community Access Program, or the CAP —

An Hon. Senator: Shame!

Senator Cordy: That is a shame. This will leave many rural and low-income Canadian job seekers without Internet access, which is counterproductive as this government continues to tout its online EI system.

Mr. Harper is slashing Parks Canada, forcing many of our historic sites to close or reducing the times that they are open to Canadians. With the government spending close to \$28 million on celebrating the War of 1812 in the name of Canadian history, how many Canadian historic sites will close at its expense?

Any group, organization or government oversight body that relies on federal support is put on notice with this budget. If you are not in lockstep with Mr. Harper's plans or if you provide scientific evidence contrary to his ideological views, you will be brushed aside. The Inspector General at CSIS, federal science labs, the National Council of Welfare, the National Energy Board, the National Round Table on the Environment and the Economy and the Auditor General will all have powers stripped or be eliminated altogether.

The right of any majority government is to present to Parliament and to Canadians their goals and a road map to accomplish these goals, from a Speech from the Throne to a budget bill, through successive legislation, all the while allowing for due parliamentary process and debate.

This so-called budget bill should not be amending over 70 acts. It should contain items dealing with the Department of Finance. This omnibus bill should have been broken into stand-alone pieces of legislation so that changes dealing with such issues as the environment, EI, OAS, fisheries, Parks Canada and immigration could have been given their proper examination by Parliament and by Canadians. This would allow time for Canadians to understand what the changes and modifications of over 70 acts will mean for them.

Neither Parliament nor the Parliamentary Budget Officer has received an accounting of the cost of this omnibus budget bill. Mr. Harper flatly refuses to provide this information to the Parliamentary Budget Officer, effectively restricting parliamentarians from doing their job of scrutinizing government legislation. The budget officer has every legal right to this information, to provide Canadians with a clear understanding of the cost cuts, savings and new spending implements with Bill C-38.

This is not fair to parliamentarians, and it is certainly not fair to Canadians. Canadians deserve openness and accountability about the acts being changed in the omnibus budget. They deserve to know the costs or the savings associated with implementing these changes. Canadians deserve that respect from their government.

With the support of less than four in every ten voters in the last election, Mr. Harper seems to think that this gives him the right, without having to put up with opposition, to circumvent the democratic processes in Parliament, to continuously limit and cut off debate, to close parliamentary business to the public and to increasingly conduct parliamentary proceedings behind closed doors so as to avoid public scrutiny. Clearly, these tactics are in contempt of Parliament and a total disregard to the people of Canada. If all the changes are good for Canada, they should be removed from the budget and stand on their own merit in separate pieces of legislation.

Honourable senators, as I stated earlier, I have received hundreds of pieces of correspondence from Canadians. They speak of the kitchen sink nature of the bill and the desire of the Harper government to push the bill through quickly.

I will read to you a few quotes about Bill C-38 from letters I have received. One says:

The Harper government has not been willing to listen to Canadians nor other political parties, no consultation, no negotiation, no amendments.

Another letter said:

I feel that Bill C-38 is a massive collection of very diverse issues. It seems that these issues are purposely being lumped into a budget bill in an effort to pass them quickly and quietly without proper debate or public scrutiny.

Another quote from a letter I received:

This is far more consistent with just wanting to ram through as much legislation as possible without an ounce of critical thought.

Finally, another writer said:

A budget should only include financial items required to run the country not gut laws that have made Canada the most desired place in the world to live.

Honourable senators, the Harper government has a majority in the House of Commons and here in the Senate. It can basically pass any legislation it wishes, yet here we have an omnibus budget bill amending over 70 different federal acts all in one shot. Much of this bill does not even come under the jurisdiction of the Finance Minister. In fact, it was Minister Kenney who appeared before the Social Affairs Committee for parts of Bill C-38. I find it incredulous that hundreds of amendments were proposed by the opposition parties in the other place and yet not even one amendment was accepted by the government.

Honourable senators, the process for Bill C-38 is flawed. It is an affront to democracy and an abuse of power by the Harper government. Canadians and parliamentarians deserve better.

Hon. Elaine McCoy: Honourable senators, I, too, rise to speak against Bill C-38, which is called An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012, and other measures.

I do want to say that I do not support this bill for two reasons. The first is that it violates one of the fundamental principles of our parliamentary democracy, and that is ministerial accountability. The second is that it opens up the door, I think, to ministerial evasion in terms of resource development and environmental protection.

• (1900)

Turning to the first reason, ministerial accountability, as our former colleague Lowell Murray has said on so many occasions — and Senator Cowan was quoting him earlier as well — and just last week, as well, he had this to say:

... political institutions that evolved over a long period of time to prevent excessive centralization of power and to restrain its exercise have within a generation or two been gradually bent out of shape. Parliaments, political parties, the practice of cabinet government itself are now more form than substance. Over the past 40 years, Government has gradually slipped away from Parliament and parliamentarians as well as from their constituency moorings. The conventions by which MPs once held the power of the purse and ministers accountable are not really operative anymore. The adage that "Government proposes, Parliament disposes" no longer applies.

He went on to say:

MPs themselves are now more beholden to the central party apparatus, its money, its technology, its professional organizers, its pollsters and strategists than they are to

their constituency party. This has critically sapped the autonomy of the party membership at the constituency level and their power within their national political party; and it is largely responsible for the emasculation of individual MPs in their relationship with the national leadership who hold a veto over their re-nomination as candidates for the Party. This is blatantly and daily on display in the House of Commons and its Committees as well, as well as on the TV panels where MPs regurgitate precooked and force-fed "talking points." The House of Commons is supposed to be a debating chamber. Central control has made it into an echo chamber.

I fear, honourable senators, that much the same is creeping into this institution here. The venerable Senate is becoming, or is in danger of becoming, yet another echo chamber.

Yet another tool in the arsenal of defence mechanisms against ministerial accountability, of course, is an omnibus budget bill, and what an omnibus we have before us now, Bill C-38 — 69 statutes, 753 clauses, 424 pages — no wonder that the official title actually says "and other measures." The tail is wagging the dog. They have nothing to do with the budget and everything to do with — well, what exactly? It is hard to say, not least because we have so little time to say it. On top of everything else, in defence of ministerial non-accountability we have closure, which has severely limited our time of debate to only six hours.

Honourable senators, the legitimacy of our democratic and sovereign institution, Parliament, both houses, is being tarnished, taunted and transformed into impotency. For that reason, which is an entirely sufficient reason to my mind, I will not support Bill C-38.

However, there is more. There is one other reason in particular that I will not support this bill, and that is Part 3 of Bill C-38, which is devoted to various statutes having to do with regulatory and environmental matters, of particular importance to a province like Alberta, my province, where resource development is one of our key economic advantages.

Also, since this has been my field, and it is in this field that I have spent most of my professional life, I paid it particular attention. Part 3 proposes changes to a number of acts, including the Canadian Environmental Assessment Act and the National Energy Board Act, as others have spoken to. Like Senator Cowan, the first question I asked was what do they want to achieve in Bill C-38 that they have not achieved elsewhere.

The ministers and even their civil servants have been uniformly consistent. They have never wavered in their reasons for why they are putting forward these amendments in Bill C-38. These talking points have held without question. They keep on saying it is regulatory efficiency, and in particular one of their strongest, most repeated talking points is that we have reduced the number of decision makers at the federal level from 40 to 3. That actually is very good news. I remember congratulating this very government on that move two years ago. In 2010, I stood in this chamber and I said words to this effect, that this should have been done many years ago. It is a matter of managerial, not

legislative, changes that we need, but having the changes reflected in legislation to try to bring the decision making into some kind of focus at the federal level will be very welcome, and it will be a benefit for the overall system in Canada.

Fortunately, the changes that are being promoted in Bill C-38 do not interfere with that fundamental amendment from 2010, and I will say thank goodness that that is true. However, that cannot possibly, therefore, be the reason why these changes are being brought forward in Bill C-38, so what else do they say? They say that the other main efficiency argument — the other talking point — is that we have timelines. We now have timelines imposed on the Canadian Environmental Assessment Agency, the National Energy Board and the Canadian Nuclear Safety Commission.

Mind you, the ministers, at our Energy, Environment and Natural Resources Committee, said quite unequivocally that these timelines are already being experienced. That is why we chose 12, 18, 24 months.

Therefore that cannot have been the real reason. Not only that, when you start to read these timelines, you realize that there are any number of ways of getting around them. They are window dressing. The Governor-in-Council, cabinet, can extend any one of these deadlines for any length whatsoever. They are window dressing. They are merely talking points, so I do not think that was the burning reason to put these amendments forward either.

Then what does this bill do that has never been done before? I have boiled down the answer to three things. Two new things have been done to the Canadian Environmental Assessment Agency, which will now have a CEA act 2012, and one new thing focuses particularly on the National Energy Board Act.

With respect to CEAA, the two things that are totally new are these: First, only projects that are designated by the minister or cabinet will now be given an environmental assessment. That is new. Second, even so, the cabinet can now declare that any project is exempt from an environmental assessment. Those two powers are new. Unfortunately, I cannot comment much further than that because we know nothing about what will be designated — another defence against ministerial accountability. It will be done by regulation, either ministerial or cabinet, so we have avoided ministerial accountability almost totally.

I really do struggle constantly against falling into the temptation of overblown rhetoric or self-righteous indignation or attributing without evidence motivations to people with whom we disagree or who have opinions other than our own. Nevertheless, I am trying to predict what actions this government will take, given that I know nothing about their intentions regarding the designations or the kinds of provisions that they will make when they exempt projects.

• (1910)

Interestingly, I got an unsolicited email somewhere around one o'clock in the morning from New Brunswick, of all places. It was from a young fellow I have met in the energy and environmental field. He listed a number of organizations which

he knows about, since he works in this field, that have not received funding. After naming several of them in the climate change field, he went on to say:

... national environmental monitoring networks, regional meteorological services, and web-based mapping information systems focused on Earth Observation Data, all of which we rely on for evidence-based decision making, have been cut of their core funding, undermining the safety of the public. ...

I have observed the closure of the Canadian Information System for the Environment, the National Clearing House for Environmental Learning and Education, the Rural Communities Secretariat at Agriculture Canada, elimination of various programs funding partnership across the Provinces and Territories, and the disbanding of the national Youth Roundtable on the Environment.

These are just a few of the indications that we might have before us as to what this government may intend to do.

Even with this evidence, honourable senators, I quite frankly do not want to vote blindly. I do not want to be part of an echo chamber; I do not want to stand here or justify to myself or my constituents back home why I voted without knowing fully what is intended.

As to the NEB Act, what is new is this: The cabinet will be responsible; in fact, they will make all decisions now in terms of energy projects as to public necessity and public interest.

I have just outlined how ministerial accountability is more form than substance and so much of what they are intending to do or not do, we do not know. When we do ask, we get these talking points that often obfuscate rather than illuminate.

I am unwilling to go along with that particular move — that directional move. I trust the NEB as an independent institution in its long-standing history of making reasonable, evidence-based decisions. I believe it would be irresponsible of me to acquiesce to voting in favour of this bill.

Indeed, I really do feel as if the ghost of Parliaments past were stalking around, even as we are speaking in this chamber. If he is, then I get the sense that we might have this conversation the way Hamlet and Horatio had a conversation. Hamlet said to Horatio: "Did you see him?" Horatio said in response: "O, yes, my lord! He wore his beaver up." Very Canadian, is it not? Hamlet said: "What, look'd he frowningly?" Horatio replied: "A countenance more in sorrow than in anger."

Honourable senators —

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that her time has expired. Is the honourable senator asking for an extension?

Senator McCoy: Yes.

The Hon. the Speaker *pro tempore*: An extension of five minutes is granted.

Senator McCoy: In conclusion, honourable senators, I say again more in sorrow than in anger, I will not support Bill C-38. Thank you.

Hon. Grant Mitchell: Honourable senators, I will try to limit my comments this afternoon to specific items that arose by and large in the Bill C-38 review at the Standing Senate Committee on Energy, the Environment and Natural Resources, regarding the parts that we had responsibility for reviewing. There is quite a lengthy list of concerns that witnesses emphasized and presented to us. I would like to ensure that they are in the record. Although honourable senators certainly have covered some of these issues, it does not hurt to impress them again.

There are serious weaknesses with the clauses in Bill C-38 that were the responsibility of the Energy and Environment Committee. The bill makes important and significant changes to the environmental assessment process. I do not mean "important" in a positive way; I mean in a detrimental way. It makes detrimental and significant changes to the Fisheries Act. It raises serious concerns about consultation, for example, with First Nations peoples specifically and more generally with the public. All of this is done, of course, by an omnibus bill, the very form of which has been questioned in great detail over the last number of weeks, months, days and even over the last number of hours in this place.

I will begin with the issue of environmental reviews. Ironically, since the government has been trying to shift away from political influence the process of major project acquisition — for example, ships — they have done exactly the opposite with respect to the environmental review process in this bill, where they are actually shifting much more discretion away from an objective public service-oriented, arm's-length process to ministerial discretion.

Whereas before, ministers did not have these kinds of powers, the minister — two or three ministers in this case, those being Fisheries, Energy and the Environment, in various ways and circumstances — will have power to pick projects. They will be able to overrule agencies, no matter what those agencies have heard; no matter what evidence has been presented to them; and no matter what conclusions they therefore feel compelled to draw, having listened to opinion and input, but also to science. In the case of the National Energy Board, the minister will actually be able to remove or replace panel members and could end up appointing a single panel member to finish out whatever review the National Energy Board had been charged with.

It is quite profound. One can imagine the case where a minister just did not like what he or she thought was going to occur, and so fires the board and replaces them with a single person who can, one might anticipate, do exactly what the minister would like to do. That is a dangerous erosion of the objectivity of the environmental review process.

One of the underlying features of this act is the notion of "one project, one review." Certainly, there is something to be said for efficiency. In the process of establishing that, they have established two different kinds of concepts. One is called "substitution," where the federal government could determine that it would delegate a review process to a provincial jurisdiction,

and when it applies that under the term substitution, the provincial jurisdiction would not only have responsibility for the process, they would have responsibility for the decision.

That begs the question, which is not answered in this review, that if the decision made by the province is incorrect, inappropriate or unfortunate for the environment, there is no provision in the act whereby the federal government could say, "Never mind, bring it back," and apply its own standards and rigour to that process.

The second category of delegation is called "equivalency." It is a little bit misleading, because that is not really talking about a heartland issue, which needs to be addressed and is not; namely, are provincial jurisdiction standards equivalent to federal jurisdiction standards, given that the feds will be delegating to the province? Equivalency means they will delegate the process but not the decision, so it is not quite as much a delegation as substitution would be.

• (1920)

However, although there is some chance to recover if a mistake has been made with respect to equivalency, because the federal level still retains the power to make the decision, in both cases there is no process specified. It is doubtful that there are any real resources allocated to do an assessment of the relative strength and rigour of federal standards versus the provincial standards to which the federal government would be delegating authority.

That seems to be a serious problem. The government could cherry-pick. It could decide that we will delegate when the standards are weaker than our standards, but we will hold the responsibility to do the review when our standards are weaker than a provincial jurisdiction's standards.

If we had some confidence that the government really was committed to environmental review, perhaps we would not have to worry as much, but certainly that door is open and there is no indication that the government is prepared to make the assessment of relative rigour between and among the jurisdictions. It is a serious weakness in this bill.

Where there is a concentrated series of very disturbing changes, raising very disturbing weaknesses, is with respect to fisheries review. Now, the only fish that will be protected under this act are fish that will have either commercial, Aboriginal or recreational significance. A marine animal or a marine entity of some kind that does not fall under a commercial licence, Aboriginal jurisdiction or use, or recreational licence is just not going to be protected. It is hard to get people to believe that the government would have done that. When you tell them that, they have a very difficult time believing it, but it is absolutely true. If a fish is not of some commercial, Aboriginal or recreational significance, then it is not protected in this act.

To compound that problem, the government has very carefully changed — or not very carefully changed — what kind of protections will be in place and afforded for fish habitat. Before this act — I guess up until today or tomorrow — there have been prohibitions against the harmful alteration or disruption of fish habitat. That is now being replaced, essentially, to exactly the

opposite. That is to say, if it is not permanent, it will not be protected; if it is not a permanent alteration, it will not be prohibited; and, if it is not destructive habitat alteration, it will not be prohibited. That greatly weakens the protection for habitat.

Before, one could not do harmful alteration. Before, one could not disrupt habitat — a very ironically and, in reverse, much higher level of safeguard for habitat — because if it is harmful but not permanent, then it will not be considered now. If it is disruptive but not destructive, then it will not be considered now. Instead, it has to be a very serious disruption of habitat or it will not be prohibited or impeded. One can imagine many cases of — and in fact there are many cases; one does not have to imagine them — where harmful and disruptive alteration of habitat has had a profound impact on fish and other marine life and their ability to survive and be utilized commercially, recreationally or otherwise.

The government has greatly weakened the protections under the fisheries of habitat and of the range of fish that will be protected.

There is also a very subtle change, but one with great and serious impact for Aboriginal people. The new act excludes the provision for Aboriginal peoples to use fisheries for moderate livelihood. That probably sounds quite benign, because in the act it does provide for subsistence or commercial privileges for Aboriginals. However, what it — I think, probably surreptitiously — denies is the significance and mention of moderate livelihood and the right of Aboriginal peoples to have access to their fisheries for a moderate livelihood.

Laypeople who are not experienced in this particular area of jurisprudence may not understand that in 1999 the Supreme Court clearly and specifically defined, as a right for Aboriginal peoples, the use of their fisheries for a moderate livelihood. That is a particular kind of use very clearly defined in the law. That will be set aside, and that will have a profound impact on how Aboriginal peoples can use their traditional fisheries. In fact, it will exclude them from potentially using their fisheries in a way that many of them do profoundly and often for their livelihoods.

Honourable senators, one of the great ironies in that, in turn, is that while the government is bringing in many of these changes they would argue to streamline and speed up the review process, in fact this kind of change will have exactly the opposite effect. Whoever came up with these ideas did not think them through.

It is clear that Aboriginal people and their lawyers understand that this is the kind of provision and neglect or mistake that will be used to hold up review processes interminably in the courts, because this law simply has tried to throw out something that has been very significant and established in the process of the evolution of fisheries and environmental review processes.

By way of underlining, while we are discussing Aboriginal issues in this case, we had very powerful Aboriginal presenters. They made the case that not only had they not been consulted on Bill C-38, but Bill C-38, in turn, once implemented, will erode and diminish the process whereby they are to be consulted. Once again, that responsibility to consult is an established principle that has been established and re-established by the courts. That has

been seriously diminished in this bill and will, again, provide many opportunities to take the government to court over weaknesses in the process and simply hold it up.

In fact, Shawn Atleo, National Chief of the Assembly of First Nations, in his presentation to the House of Commons said this:

In its current form, part 3 of C-38 clearly represents a derogation of established and asserted first nations rights. If enacted, it will increase the time, costs and effort for all parties and governments, as first nations will take every opportunity to challenge these provisions.

They will challenge them in the courts.

It is the old story: The government may dream and keep bullying to get what they want, but in the end it probably will have exactly the opposite effect from what they tried to establish.

One of the real frustrations of this whole debate about speeding up the environmental process is that the government, I think, actually believes it and is angered by the fact that environmental groups or people with environmental concerns are somehow responsible for holding up the process. We heard evidence that that is not entirely the case, or even largely the case.

Many projects have been held up because the government itself did not manage the process very well. It took months — if not years in a couple of cases mentioned to us — where government departments just could not decide among themselves who was going to be responsible for reviewing what. Where were the ministers? Where were these strong, “we-know-how-to-manage-government” ministers?

I do not think they really do know how to manage government. I am not surprised, because they do not like government. They often dismiss the important expertise of their public servants out of hand, because they do not like government, and they end up making mistakes like this. They focused in the wrong way.

Could I ask for another five minutes, please? Could I have Senator Mockler's 10 minutes, please?

• (1930)

Senator Cordy: The senator could have Senator Mockler's 20 minutes.

Senator Mitchell: I would like to talk about ugly foundations. I have not made it there yet. I could use 10 or 15 minutes just to talk about the bad and the ugly foundations.

Not only that, but at times it has been the proponents. The companies themselves just have not gotten around to doing it, but somehow, as often is the case, the government does not focus on what really and truly are the facts and so make decisions based on something that is not right and inevitably will enhance the likelihood of them being wrong. Then they layer ideology on top of that, which makes it even less likely they will get it right, and in this case they have absolutely, certainly not got it right.

I will give an example where ironically they are hurting their own intentions and interests because they want to streamline and speed up environmental processes but they have excluded — I should not mention it because they might go and fix it and hurt the process here, but I cannot stop myself from pointing out how incompetent they have been in reassessing this bill — the mining associations. Mining companies do not receive the benefits of the apparent streamlining initiatives.

There is a section 35 that has been streamlined and does not apply to the mining industry. Section 36 does and they are asking, “Why us? Why have we been neglected?” Did someone just not listen to the public service? Surely not, no.

Another interesting thing is the Conservatives often talk about sunset clauses and that bills should have a period of reassessment but they have taken that out. In the current Canadian Environmental Assessment Act, there is a provision for a statutory review. The act must be reviewed every five years to see how it is doing, whether it can be changed. However, in this bill there is no statutory provision, requirement or obligation to check the act. The government figures they have it right the first and will never have to change it. They got what they wanted, even if it will not work.

Finally, they have reduced agencies from 40 to 3. Again, there is something to be said for efficiencies, but they will still have to rely on many of these agencies. For example, the Canadian Environmental Agency now will do fisheries reviews but will have to rely on expertise from the Fisheries Department. The Fisheries Department has experienced profound cuts, raising the question as to whether or not there really are enough resources in peripheral but important agencies to help sustain the process.

One would think if the government wanted to speed up the process and make major decisions about delegating and still believed in the importance of the equivalency of rigor that they would make absolutely certain the resources were there and not gutted so that in this more pressured, intense and shortened process the resources would be there to ensure the environmental concerns are met and sustained and taken care of.

One of our witnesses made a point that it is an absolute fallacy to consider that environmental review has ever had a negative economic impact, in fact quite the contrary. Usually after rigorous review, companies' efficiency in working on the project increases, the rigour with which they do projects increases, and often because of that they avoid making huge errors and mistakes and consequently end up earning more money.

It is not really a question of the environment versus the economy or the environment versus business. It is a question of acknowledging and understanding that if we do environmental review processes properly and not weaken them, we will enhance economic development and prosperity and leave our children a worthwhile place in which to live.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I would like to say a few words about Bill C-38 and the budget.

The objectives that the Minister of Finance has established are both worthy and realistic because, at its core, the budget is about growing the economy and shrinking government. However, the message we are getting from the Minister of Finance and other key government spokespeople is that there is a kind of conflict between economic growth and the existence of a public administration with a presence in the lives of the people. We are hearing this more and more, and Canadians are worried.

Honourable senators, I think this suggests a deeply flawed understanding of how modern economies work. People in Western nations depend on and benefit from a very high level of economic well-being because the state is responsible for guiding the economy. The current government's philosophy seems to suggest that it believes the state's involvement in economic activity hampers economic growth.

I think that, on the whole, Canadians are getting more and more worried about that philosophy because it is flawed and, in my opinion, contrary to the well-being of the people of this country.

Economic growth has its own rules and its own dynamics. There are businesses, workers and various interests, but they all need direction. That direction, that meaningful orientation can only be supplied by a strong state presence, an alert and creative government to support economic actors and provide meaning and direction.

It seems to me that, basically, if we look at the text of the budget and the budget speech, we see the beginnings of the denial of this elemental reality that is the progress made by modern society, and I think we have good reason to be very concerned about that.

Of course, as the Minister of Finance and the Prime Minister have pointed out, Canada's economy is performing relatively well at present, compared to other economies, but when I hear the Prime Minister at the G8 or the Minister of Finance at the G20 boasting about our country's economic performance, considering the kind of public administration we have, it seems to me that Canada's economy has grown precisely because the government — and the public administration — played a role in the economy, and I do not believe that we should be trying to reduce that.

Another thing that is somewhat disturbing about the Prime Minister's approach is that while it is all well and good to say that the Canadian economy is performing relatively well, which is true, not a word is being said — not by the Finance Minister, either — about the fact that it is performing relatively well at the macro level, even quite well in some cases, but the government's current approach shows no concern at all for what the overall economic numbers mean at the regional level.

As everyone knows, Canada's regions are currently falling apart from an economic standpoint, yet the budget speech completely ignores this problem. The government simply gives all kinds of macroeconomic numbers without showing any concern for the reality on the ground. In my opinion, as Canadian citizens and as parliamentarians, we should be a little more concerned about this reality. Overall numbers are all well and good, but the reality on

the ground cannot be ignored, and not only in our regions, because of the difficulties facing our small and medium-sized businesses. While our overall performance numbers are relatively good, at the same time, poverty rates continue to rise, and more and more Canadians are being excluded from society.

It seems to me that if someone is in government, if they are not just a president of a bank or company, but they are in government, this should be a key part of economic policy. The role of the government is to ensure that overall growth is spread out across the regions and that individuals benefit from it. Do we see any concern for that in the government's budget speech? Unfortunately not, honourable senators. I think it is important to point that out to the government.

• (1940)

Honourable senators, I would rather the government did not say in the budget that we can only achieve economic growth by reducing the size of government, as though there were a cause and effect relationship between those two things. It has not been proven, but that is the message we get from the budget.

Our economic performance is fragile, and because of international considerations — which the Minister of Finance has often pointed out to Canadians, and rightly so — I would have liked to see the government propose a policy to support and promote economic growth. The government cannot simply worry about the stability of our major corporations and banks, which, thank God, are relatively stable. It must think about small and medium-sized enterprises, the regions, individuals and the objective conditions of workers. There is a disconnect in the budget, and I think it risks seriously deluding people about the current state of the economy and about the future.

I would also have liked to see the Minister of Finance not only implement the Canadian government's policy — I think that is his role — but also mobilize all of the economic players. Did the budget talk about mobilizing businesses to achieve the objectives? Did it call on unions to participate in economic growth?

There is something I find even more worrisome. Canada is a federation. The Canadian government has a very important role. I am a bit worried that, unlike what has been done in the past, unless I am mistaken, the Prime Minister of Canada has never invited his provincial colleagues to discuss economic growth objectives.

Honourable senators, I agree that the Canadian government plays an extremely important role in the economy, but everyone knows that when it comes to daily life in Canada, the provincial governments also play an equally important role, perhaps more important than that of the federal government. The government is concerned with growth objectives. It is trying to carve out a new policy for Canada and is completely ignoring the reality, the concerns, and especially the contribution that each of Canada's provinces could be making to the federal government. I find this to be quite worrisome.

I hope that the Prime Minister of Canada, who certainly has immense international responsibilities, will also bring in all the regions and the provincial premiers in order to better reflect reality in Canada's financial and economic objectives.

The Prime Minister of Canada did indeed promise — in the budget — not to cut transfer payments. He kept his promise and I believe we must acknowledge that quite frankly. Nonetheless, if we are talking about ensuring economic growth permanently for the future, then it seems to me that the top priority is education, and skills training. Without people, workers, there is no economic growth.

The government did not cut transfer payments, but it completely ignored the needs of the provinces and the regions with regard to education and skills training, the entire social safety net that workers need. It is all well and fine to freeze funding, but if we want the economy to progress, then we must invest in the long term, as the budget says. It seems that the priority should be to invest in helping the provinces provide a solid, successful and appropriate education system. All these policy objectives are miles away from the cuts announced in the budget speech, where economic growth is achieved by cutting government spending, period. It seems to me that there are quite a few other things the government should be taking into account and considering.

Finally, honourable senators, I have two brief comments that I believe are extremely important. First, we have made progress on the deficit, which has been reduced to \$21.5 billion. Will it be eliminated by 2015?

Again, the government's deficit reduction strategy is to cut government spending. It could not increase taxes — very good, congratulations — but it could cut spending. Will the cuts be made according to a plan?

We get the feeling that the government's approach is like skeet shooting. The government gets an organization in its sights, the government fires on it, and the institution disappears. Is there a plan for reducing the size of government? For the decision-making? What are the values? What are the objectives? What criteria are used to decide which government organization will be abolished or changed?

This was not mentioned anywhere. As the days and weeks pass, we learn that something will happen to some organization. But what is the plan? What are the institutions that must be kept at all costs? Which ones should we eliminate, which ones should we change? As far as I know, the Minister of Finance has never provided any explanation in that regard. The cuts are piecemeal and it is extremely confusing.

Honourable senators, I would also like to comment on what is happening to our public servants. They have been told that there will be cuts, but no one knows where, when or who. This type of human resources management is rather odd. In my opinion, the government's approach does not take into account the realities of the public service. The government is demotivating the public service, abolishing some organizations without a plan, without setting objectives or justifying its decisions. There is none of that. We are completely in the dark.

Finally, honourable senators, like many of my colleagues, I feel that we should be indignant and that we should deplore the absolutely unbelievable approach that is being taken with Bill C-38. Everyone has said it; I do not want to go over it again. I understand

that the same approach was taken with Bill C-10, for example, but at least, in that case, studies had been conducted previously. The government was in a minority position. But now, this is almost becoming common practice. The horror of Bill C-38 is something absolutely unthinkable and implausible because of its size and importance.

Honourable senators, it is one thing for the government to tell us, "We have a majority." I am quite supportive of majority governments because they act and assent is given. Things are clear. However, a majority government in a democratic society does not mean a government that does not listen. It does not mean a government that can do whatever it wants. And, it particularly does not mean a government that, holding a majority in the Senate or the House of Commons, will ultimately impose its majority. Doing so is its right, and I do not have a problem with that right, but the fact that this government is not taking into account the opinion of democratic institutions and is not respecting them is unacceptable. It is not just the institutions themselves. The role of Parliament is to vote on legislation and to watch over the public administration, but in my opinion, it is also to examine important issues, dozens of which are found in this bill. Whether it be employment insurance, the environmental issues that the Leader of the Opposition spoke about, or one of many others, these issues must be discussed so that the public is aware of them and can agree with or dispute the government's actions. However, lumping all these issues together like this is not just an insult to or an attack against democratic institutions, it is an attack on the democratic life to which every citizen is entitled.

Honourable senators, I hope the government is going to improve its approach. It has been in office for a year. I hope that in future it will show more respect for the institutions.

When it comes to economic growth, the government must understand that it is not the only body in Canada that should be making decisions about growth and about the kind of economic growth and prosperity that is desirable for all Canadians.

• (1950)

[English]

The Hon. the Speaker pro tempore: Honourable senators, Senator Segal would like to ask a question, but I regret to inform you that the time for Senator Rivest has expired. Is the honourable senator prepared to ask for more time in order to respond to a question?

Senator Rivest: Yes.

The Hon. the Speaker pro tempore: Is time granted, honourable senators?

Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Five minutes.

[Translation]

Hon. Hugh Segal: I would like to ask Senator Rivest a question about the philosophical underpinnings of his statements, which were very interesting.

I think that he and I share certain ideologies. He talked about the federal government's role as a commanding force in the economy.

I would like the honourable senator to tell us whether he thinks that having a central, interventionist government is the best way to improve Canada's economy and society.

I believe that we had similar ideas during other debates in the past. We did not want a central, interventionist government that would not give the provinces the opportunity to make their own choices in accordance with their constitutional rights.

Having a centralized government that makes all the decisions will, in my opinion, deny Canadians the opportunity to make choices.

Has my colleague's opinion changed since we worked together on constitutional issues? That can happen to anyone, but I want to make sure that I understand him correctly.

Senator Rivest: No, my opinion has not changed. I have emphasized education because it has a very important role to play as a counterweight to the Canadian government's interventionism.

I talked about freezing transfer payments. In my opinion, the government should increase transfer payments as soon as possible, so that the provinces can carry out their responsibilities with respect to the economy. By that, I mean education and skills training.

I do not think that the Canadian government, with its power and great wisdom, should tell the provinces what to do. I am prepared to acknowledge the merits of the current Prime Minister's discipline. But this is about resources. My simple plea is for smaller government.

I agree that there are things that have to be done about economic growth and education. The Government of Canada should neither freeze nor cut payments; it should do more to help the provinces, which can make their own decisions without federal intervention.

[English]

Hon. Terry M. Mercer: Honourable senators, usually I am honoured to rise to debate bills or motions in this chamber. Today is not one of those days. Today, we are debating Bill C-38, the budget implementation bill, a horrendous piece of legislation that guts environmental and fisheries policies, totally shortchanges EI recipients and changes the rules for retirement, among many other things.

I do not understand why we are calling it "a budget" because it is much more than that. The omnibus Bill C-38 brings in a wide variety of changes across departments by sneaking them in through the back door, in the guise of a budget bill, because the Reform Party majority government of Stephen Harper decided that it would force it upon Parliament.

The 753-clause supposed budget changes over 70 different federal acts. This is astronomical. At no time have I seen such blatant trickery in order to push an agenda. The Reform government should be ashamed of the way it is treating the

environment, EI recipients and retirees who will now have to wait two more years for OAS. Let us not forget the 19,000 people who will be joining the ranks of the unemployed in this government's attempt to balance the books on the backs of hardworking Canadians because of its own shortsightedness and mishandling of its finances. Prime Minister Harper's cutbacks in this budget are just the beginning I fear. In Atlantic Canada we have already felt the sting of Mr. Harper's slash and burn tactics because we have shared a disproportionate number of cuts compared to the rest of the country. Cuts to Service Canada, for example, were already in progress before this so-called "budget" was introduced, and now the cuts are just going deeper. It is interesting to note that, in response to a written question, the Treasury Board of Canada released statistics showing that, from 2009 to 2011, federal government employment grew by 2.9 per cent nationwide. Federal employment grew 5.1 per cent in the Ottawa area. Federal employment shrunk by 1.5 per cent in Atlantic Canada. That is exactly the kind of service that we get from this government.

With the recent round of cuts, these numbers will get much worse. While the budget bill is far too large to comment on all of it, I would like to highlight some of the things in the bill that, in my view, are destroying our way of life. How a country treats its seniors — those people who have developed this country and have worked hard to promote its values — is paramount to how our society is viewed around the world. What does this government do? After promising, in the 2011 election campaign, not to cut pensions, Stephen Harper did it anyway. This is not the first time that he has lied about protecting pensions. In a speech to seniors in December 2005, Mr. Harper said:

My government will fully preserve Old Age Security, the Guaranteed Income Supplement and the Canada Pension Plan and all projected future increases to these programs, and we will build on these commitments.

Mr. Harper promised that before winning the election in 2006.

That reminds me of a story, honourable senators. A gentleman had died and made his way to heaven. He was at the Pearly Gates and talking to Saint Peter. He asked Saint Peter, "What is that behind you, Saint Peter?" He saw a whole wall full of clocks, and he asked, "What are those clocks?" Saint Peter said, "Those are lie clocks. Everybody on earth has a clock up in heaven, and it is called a lie clock. Every time you tell a lie on earth the hands on the clock move." The guy said, "Whose clock is that?" Saint Peter said, "That is Mother Teresa's. The hands have never moved, indicating that she never told a lie in all of her time on earth." "Incredible," the man said, "Whose clock is over there?" Saint Peter said, "That is Robert Stanfield's clock. The hands only moved a few times, telling us that he only told a few lies in his day."

Hon. David Tkachuk: On a point of order, Your Honour.

Honourable senators, before he started this long story, Senator Mercer had called the Prime Minister a liar, and I think that is unparliamentary language.

The Hon. the Speaker pro tempore: Does any other honourable senator wish to participate in the point of order?

Hon. Gerald J. Comeau: I very clearly heard him call the Prime Minister a liar. All that Senator Mercer would need to do — and it is quite simple — is just to withdraw the comment and say that he regretted having called a parliamentarian a liar. It is just not done.

The Hon. the Speaker *pro tempore*: Are there any other honourable senators who wish to participate in the point of order?

Senator Mercer: It is difficult. Some people are obviously a little sensitive about that issue, but I do withdraw any comments that might have been unparliamentary, honourable senators.

Let me continue with my story. The gentleman was talking to Saint Peter — you interrupted my story about Saint Peter — he asked, “Where is Mr. Harper’s clock?” Saint Peter said, “Stephen Harper’s clock is not on the wall. The Lord keeps that in his office as a ceiling fan.”

In all seriousness, honourable senators, how many times will Mr. Harper mislead Canadians to get what he wants? Increasing the qualifying age for Old Age Security from 65 to 67 will mean that the average retiring Canadian will lose \$12,000, and the lowest income Canadians will lose up to \$30,000. What is worse is that 40 per cent of OAS recipients earn less than \$20,000, and 53 per cent of them earn less than \$25,000 a year.

• (2000)

How dare this government do this? There is absolutely no evidence to suggest that the OAS is in trouble. Indeed, the Parliamentary Budget Officer has even said this change is not necessary, as Canada’s old age security program is already sustainable. However, we all know what Prime Minister Harper thinks about the Parliamentary Budget Officer.

Canadians believed Mr. Harper when he said he would not change seniors’ pensions. I hope these people remember exactly what Mr. Harper did in this budget when it comes time to vote again. I know I will be reminding them.

Honourable senators, the Harper Reformers do not care about our ecosystems either. They do not even believe that climate change exists and they do not care about our wildlife. Do not even get me started on the environment.

The budget bill eliminates the need for federal environmental assessments before a major project proceeds. Let us just slap up a building without checking to see if we are risking the extinction of a species. Let us just build a pipeline and not make sure that, in the event of an accident, it does not destroy an entire water supply. This is the way they are going.

With the changes to the National Energy Board, the Harper Reformers may be preventing stakeholders and local citizens from participating in the process.

Prime Minister Harper does not want to hear an objection to their plans, much the same as they do not want to hear from scientists who tell them climate change is real. Speaking of which, let us not forget that this bill also shuts down the National Round Table on the Environment and the Economy.

Mr. Harper appears to dislike the advice he was receiving on how to build a sustainable economy. In the face of dissent, he shuts it down.

Honourable senators, I now would like to talk about what I see as the worst part of this bill, and that is the change to the EI system. Without consulting any of the provinces, or really anyone except themselves, Mr. Harper has unilaterally redefined what “acceptable work” means for EI recipients. This bill even allows the government to revoke benefits, benefits that hard-working Canadians have paid for.

For Atlantic Canada especially, this will further add to the hardship many small communities already face.

According to the government, there are hundreds of thousands of job vacancies that go unfilled each year, which is their rationale for the changes they are making to what constitutes the definition of “acceptable” or “suitable” work.

Under the current act, claimants are disqualified from receiving benefits if they have not applied for “suitable” employment vacancies. The act does define instances where employment would not be deemed “suitable”: first, if the vacancy arises as a consequence of a work stoppage or labour dispute, and of course we know that around here they just legislate them back to work anyway; second, if the vacancy is in the claimant’s usual occupation but at a lower pay rate and/or in working conditions less favourable than the claimant has the right to expect; and third, if the vacancy is not in the claimant’s usual occupation and is at a lower pay rate and/or in working conditions less favourable than the claimant has the right to expect.

Bill C-38 eliminates the last two conditions from the act and gives cabinet the power to determine what constitutes “suitable employment.”

Excuse me, but how does a minister of the Crown know what suitable work is in the regions of the country? How does a minister from Ontario know what suitable work might be in Nova Scotia or British Columbia?

How is it possible for cabinet to unilaterally decide what the definition would be without any consultation with the very people they are purporting to represent? It is absolutely ridiculous for this government to claim it is representing the will of the people when it does not listen to the actual people.

This bill makes it easier for the government to unilaterally change things without having to go through the inconvenience of the whole democratic process. Do not let that get in the way; no, sir.

Honourable senators, the government has revealed no plans as to how this will work. What happens to the employer in the Annapolis Valley who normally hires migrant workers to pick his apples in the fall? If people are forced to accept jobs through this new EI scheme and they were told they should be picking apples in the Annapolis Valley and then they turn down the jobs, which I suspect many of them will, will it not then be too late for the farmer to hire migrant workers to fill the gap? You do not hire migrant workers by snapping your fingers; it takes a lot of planning to get that job done.

What happens then to the local economy when that farmer loses his crop? Has the government thought about such scenarios? These EI changes will force Canadians to find work further away from home, costing them more in transportation for a job that pays less and is less skilled than their level. Has the government thought about the effect this will have on their family? Does this sound logical to anyone? No.

This bill, the so-called jobs, growth and long-term prosperity act, does nothing to create jobs; in fact, it cuts jobs. Let us not forget the 19,000 public servants this government has fired.

For small communities that rely on seasonal work, changes to the EI system could spell disaster, especially since we do not really know how the changes will affect these communities.

Like with everything else Mr. Harper does, he does not want to hear from anyone about how these policies could affect them. Conservatives are forcing Canadians to perform jobs that they are probably overqualified for, using the threat of loss of benefits. I say shame on them for that.

There was no public consultation. The minister even admitted it. She did say, though, "I've also consulted extensively with our caucus members, more than I think anybody else would have. I hear from them daily, and their job is to represent their constituents and their points of view."

I certainly hope that the good people of Central Nova, Cumberland—Colchester—Musquodoboit Valley, South Shore—St. Margaret's, and West Nova remember that between now and the next election. I hope the constituents of these four Conservative ridings in Nova Scotia, whose MPs approve of these EI changes, will be held to task. I know that I and my fellow Nova Scotian colleagues will be, and will be reminding Nova Scotians as often as possible.

Honourable senators, I could go on and on about how this budget further hurts Atlantic Canada. For example, \$11 million in unspecified cuts to Marine Atlantic; 408 Parks Canada positions "affected" across Atlantic Canada; \$17.9 million a year in cuts at ACOA; and \$79.3 million a year in cuts at Fisheries and Oceans.

Honourable senators, we are left to wonder why, after hardly any job growth over the past year, the budget is getting rid of jobs and hiding behind a so-called austerity agenda.

This budget will do nothing to help create jobs or address Canadians' skills shortage. It does nothing to promote innovation and research. This budget hurts the future of seniors in their retirement. It does nothing to calm the fears Canadians have about the government's spending review and \$5 billion in spending cuts and how it will affect their lives.

This budget kills environmental protections and hurts our ecosystems.

I ask all honourable senators to think about these things when it comes time to vote on this budget, because it will be my pleasure to vote "no."

Hon. Marjory LeBreton (Leader of the Government): Will Senator Mercer entertain a question?

Senator Mercer: Always.

Senator LeBreton: I listened to the honourable senator's speech and to the speeches of his colleagues, saying absolutely untrue things about what we are doing on the environment and on seniors, a portfolio in which I have a particular interest. I have heard many complaints about the omnibus nature of the bill. As the Minister of Finance said, we had a rather large budget at the end of March, and a large budget begets a large budget implementation bill.

Logically, the honourable senator cannot go on stripping piece by piece of the budget. He cannot, after the fact, cherry-pick what we will throw out and what we will put in. The honourable senator is suggesting that we stir this around and mix it up again, and that is not the way to maintain a coherent fiscal framework. Would he not agree with that?

• (2010)

The Hon. the Speaker *pro tempore*: Before the honourable senator responds, will the honourable senator ask for leave to extend his time?

Senator Mercer: Of course.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Mercer: I think if Senator LeBreton had not asked the question, leave might not have been granted.

It seems Senator LeBreton wants to debate the budget and not the budget implementation bill, and they are two different documents. Others have quoted extensively a gentleman by the name of Stephen Harper, when he was an opposition MP, in his opinion on an omnibus bill. I think honourable senators should go back and read that. I know there is some revisionist history there. However, I think honourable senators should read that carefully because I think he was probably right then, but he is not right now.

Senator LeBreton: I asked the honourable senator whether he agreed with that statement — and he obviously does not — but the words I spoke were in fact spoken by Ralph Goodale, the Liberal Minister of Finance, when speaking about his 24-part omnibus bill in 2005.

Senator Cordy: Will the Honourable Senator Mercer take another question?

An Hon. Senator: Time is up!

Senator Cordy: I guess Senator Tkachuk is waiting to speak. I will be interested to hear him stand up and speak in favour of all these things in the budget.

Senator LeBreton stated that the honourable senator said things that were not true about the OAS, but is it not correct that the OAS will be raised from 65 to 67? Will this not hurt low-income people and disabled people?

Senator Mercer: Indeed, I was a member of the Special Committee on Aging, and we filed a report and travelled across the country. We heard from seniors and seniors' groups across the country — we were actually out consulting with the people — and we were listening to Canadians who were affected by this. It was a terrific committee. It had members from both sides and was ably chaired by our former colleague Senator Carstairs, and they told us it was so vital that we not change the age and that we protect old age security and the supplement.

In many cases, when people are in their sixties and as they are moving towards age 65, this is the biggest day of their life because they are finally going to be off welfare and be able to live on this money. It is guaranteed from the government if they had been working as hard-working Canadians. Some of these people have been on social assistance, but many more are part of the working poor in this country. Many of the people I referred to were earning under \$25,000.

If it comes into effect, this is going to be a disaster for seniors in this country.

Senator Cordy: I heard Senator Stratton say our government made mistakes and lost Liberal seats. We lost every Liberal seat in Nova Scotia in 1997 because of changes to the EI bill. That should have been a message but obviously the Conservatives are not listening to the people in Nova Scotia about EI changes.

I have heard from people who are very concerned that because OAS is now going to be changed from 65 to 67 what will happen is these costs will be downloaded to the provinces — to my province of Nova Scotia — because people who are poor are now going to be on provincial social assistance because they will not get OAS for two extra years. Does the honourable senator agree with that?

Senator Mercer: The honourable senator is right on and the problem is that this is a sneaky way of doing business around here — come in with a change but it gets downloaded to the provinces all across the country. It particularly affects those poor provinces in Atlantic Canada. It is a tremendous burden on the provinces and with no consultation, honourable senators. Senator Cordy mentioned the 1997 election campaign. We paid the price for doing some things we did between 1993 and 1997, and guess what, folks? What goes around comes around, and you will pay the price on election day in Eastern Canada.

Senator Cordy: When Minister Finley spoke to the editorial board of *The Chronicle Herald*, she said she had consulted with the Conservative MPs; that would mean the Conservative MPs from my province and your province of Nova Scotia. She consulted with them and took their advice, so the Conservative MPs from Nova Scotia agreed with all the changes to OAS and the changes being made to EI. Is that your understanding?

Senator Mercer: I am sure the Conservative colleagues also —

The Hon. the Speaker pro tempore: I am sorry to interrupt, but I must advise that the honourable senator's time has expired. Are there any other honourable senators wishing to participate in this debate?

Hon. Sandra Lovelace Nicholas: I wanted to ask a question of the senator, but his time has expired.

The Hon. the Speaker pro tempore: His extended time has expired.

Are there any other honourable senators wishing to participate in the debate?

Senator Lovelace Nicholas: Thank you very much. I was going to ask a question, but I will have to say it within a statement.

EI reform affects Aboriginal people because they were on government programs, so they have enough hours so they can collect unemployment. Due to racism, in my part of the area —

I hear you. You have never been racist against Aboriginal people?

Just never mind.

An Hon. Senator: Do not back down.

Senator Lovelace Nicholas: Honourable senators, because of racism they are not hired around the community in Perth-Andover and the Fredericton area, so what will these people do? They cannot find jobs, so obviously they have to stay on welfare, and I just do not go along with this.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker pro tempore: Are there any other honourable senators wishing to participate in the debate?

Senator Cools: Honourable senators I shall be very brief —

An Hon. Senator: You are not known to be brief.

Senator Cools: Just watch me. I am very opposed to this bill, and I intend to vote against it. I was brief.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: Honourable senators, it was moved by the Honourable Senator Buth seconded by the Honourable Senator White that Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, be now read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those opposed please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion the “yeas” have it.

Honourable senators, there are two senators standing —

Hon. Elizabeth (Beth) Marshall: Honourable senators, there have been discussions, and I believe there is agreement for the following: That with leave and notwithstanding rule 39(4), a standing vote on the question before us be held now with the bells calling in the senators to ring for 30 minutes.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Cools: Honourable senators, I wonder if we could have an explanation. When leave is requested an explanation should follow. The reason I asked, and I was trying to avoid debating, but —

An Hon. Senator: Oh, oh!

Senator Cools: You sit down yourself. This senator is getting a little untidy. Let us just ignore him.

I am asking Senator Marshall for an explanation. A motion was adopted here some hours ago that outlined an extremely restrictive practice, and we call it closure. We call it time allocation. You can use the words that you want. I am hearing now a request from Senator Marshall to set that process aside.

• (2020)

An Hon. Senator: No.

Senator Cools: Yes, it is an exit from a restrictive process described under rule 39 this is extreme, and I do not like it. On a matter of principle, I vote against time allocation and closure. I do not like it, but that is beside the point.

Senator Marshall said, “notwithstanding rule 39(4)(a),” but rule 39(4)(a) prescribes that the Speaker is supposed to put the question without any further debate. The whole point is that the Speaker puts the question and the vote must be deferred until tomorrow. I have the rule in front of me, but the house should have an explanation. When a government uses a majority to force closure, it has a duty to explain, when it wants to overcome its own motion of closure. I will sit and listen to the Speaker.

Senator Marshall: Yes, Senator Cools, under the rules, ordinarily the vote would be tomorrow at 5:30 p.m., but there have been discussions with members opposite. There was an agreement that the vote could be held this evening after the debate.

Senator Cools: I do not think I am a member of the members opposite. Someone brought a question to me, and I responded that I would be favourable if everyone else agreed; but one still has to ask. I will agree, but I am insisting from now on, when these exceptional deviations and exceptions from the rules are asked for, the senator so asking must give explanations. The rule is clear on this. Any time a member wants to suspend the rules — and this is what we call it, suspending the rules — an explanation must be provided to the house.

This may seem like nothing to many, but the notion is that every single member here has a single voice, and every single voice must be considered. I will not let it be ignored.

I did have a conversation, but nevertheless you have a duty to explain to the house. That is one of the fundamental problems in this place.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted as requested by Senator Marshall?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Call in the senators. The bells will ring for 30 minutes and the vote will be at 10 minutes to 9 o'clock.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (2050)

Motion agreed to and bill read second time on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Angus | Marshall |
| Ataullahjan | Martin |
| Boisvenu | Mockler |
| Braley | Nancy Ruth |
| Brown | Nolin |
| Buth | Ogilvie |
| Carignan | Oliver |
| Comeau | Patterson |
| Dagenais | Plett |
| Di Nino | Poirier |
| Doyle | Raine |
| Duffy | Rivard |
| Eaton | Runciman |
| Finley | Segal |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | Stewart Olsen |
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ABSTENTIONS THE HONOURABLE SENATORS

Nil

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Buth, bill referred to the Standing Senate Committee on National Finance, on division.)

• (2100)

CRIMINAL CODE

BILL TO AMEND—THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM ADOPTED

The Senate proceeded to consideration of the third report of the Special Senate Committee on Anti-terrorism (Bill S-9, An Act to amend the Criminal Code, with an amendment and observations), presented in the Senate on June 19, 2012.

Hon. Hugh Segal moved the adoption of the report.

He said: Honourable senators, Canada has long been a world leader in the effort to secure nuclear materials worldwide and prevent nuclear terrorist attacks. We were among the first nations to sign two international conventions dealing with this topic: the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material.

Bill S-9, once enacted by this chamber, would pass on to the House of Commons and would enable Canada to ratify these conventions. The bill would add four new indictable offences to

the Criminal Code that prohibit certain acts in relation to nuclear radioactive materials, impose significant penalties on those who commit those acts, classify the commission of such offences as terrorist activity, and empower Canadian courts to try those who commit these offences outside of Canada when certain conditions are met.

The Special Senate Committee on Anti-terrorism has examined the bill and is now reporting it back to this chamber with two amendments, both of which were made to clause 5 of the bill.

The first amendment was suggested to the committee by Senators Joyal and Dallaire, who were good enough to point out during the course of our hearings that although the offence described in section 82.3 of the Criminal Code deals with possessing, using, transferring, exporting, importing, altering or disposing of nuclear radioactive material or committing an act against a nuclear facility or committing an act that causes serious interference with that kind of facility, it does not actually prohibit the making of a nuclear or radioactive device. It was generally felt that specificity in that respect would strengthen the bill and strengthen the rights of the Crown to protect us through the use of that provision.

Therefore, honourable senators, the first amendment is as follows. Clause 5, on page 4, we replace line 7 with the following: “damage to property or the environment, makes a device or pos-”, et cetera, as now exists in that process.

A second amendment was brought forward by Senator Frum, and this was to ensure that there was clarity between the English and the French. Therefore, honourable senators, the second amendment replaces line 10 with the following: “al or a device or commits an act against a”; and replace line 19 with the following: “device or commits an act against a nuclear”.

There was no need to change the French. The problem in the English version was that there were too many “whos,” one or two of which were actually a little bit defective and made things less clear. This amendment sorts that out.

I want to thank Lyne Casavant, Jennifer Bird and Holly Porteous, who worked so hard to facilitate the work of the committee as the research staff at the Library of Parliament, and, of course, the clerk, who is tireless and has worked extremely hard to facilitate our hearings.

There are observations, which I commend to all members of this chamber to read and reflect on. They deal with two specific areas, and I will make reference to them.

One is to ensure that the policy framework within which this law operates is reflective of some of the new trends relative to the use of low radiation uranium for things like medical isotopes and nuclear plants. Canada is a leader. Provinces like Saskatchewan have engaged and invested heavily in the low radiation version, which is not easily used for weapons and not of similar fissionable value for those who might be engaged in a terrorist activity, and the committee calls on Canada to keep up that work and intensify it.

There is also a specific reference, which I will leave my colleague Senator Dallaire to address, with respect to ensuring the security of our facilities and those people who are there involved.

Honourable senators, this is important legislation for Canada. It is important for our international commitments and treaties. I commend it to your most possibly constructive consideration.

Hon. Roméo Antonius Dallaire: Honourable senators, before we adopt the report of the Special Senate Committee on Anti-terrorism on Bill S-9, I want to add a few words in support for the public record.

In my career, I was responsible for the planning of tactical nuclear use during the Cold War. A tactical nuclear device is essentially the size of a grapefruit. The possibility of such a device falling into hands of those who would want to use it against countries like ours is real. Thus, this bill is most timely indeed. If we think that two towers coming down created panic in the world power, one of these tactical nuclear devices could take out the city of Atlanta, and then we are into a whole new game. This is not a simply “need” bill; it is an “essential” bill.

The Special Senate Committee on Anti-terrorism under the commendable leadership of Senator Segal and Senator Joyal has worked on this bill with expediency, tempered consideration and grace. This report captures well the various areas of concern raised in the testimony, particularly with regard to the threat that nuclear terrorism poses to Canada and the world at large. As far as we can tell, from getting unclassified material, this could significantly change if we, as parliamentarians, had access to classified material and probably provide more depth to these bills.

I feel, however, that this is a calling to do more. As I have stated time and time again, nuclear weapons, one of the truly existential threats to our species, are unusable and indiscriminate weapons of terror. The costs of a world imbued with their presence far outweigh any strategic advantages they can deliver. They threaten our humanity just as much as they threaten us physically. To sit idly by and pass off opportunities to stem the tide of proliferation is simply unacceptable.

This bill is an excellent step in the fight against that proliferation and it should be supported with due haste.

Nevertheless, with its passage I am reminded that gaps in the global governance of nuclear weapons still exist. There are holes in our laws that have yet to be filled and cracks in even our own domestic security regimes.

I worry that we make it easier for terrorists to steal our nuclear material when we actually contract out our security. I worry that we do not keep proper checks on our staff throughout their employ, versus simply when they are accepted to the employ. They are vulnerable and must be held to check and, ultimately, continuously reviewed in their ability to be responsible for the tasks they have of protecting our sites of nuclear use of materials.

Honourable senators, should this report pass now, which I hope it will, I shall be making more in-depth remarks at third reading of the bill. I will simply say for now that this bill represents another strike against nuclear proliferation and a welcome step toward a world free of nuclear weapons.

I thank my fellow committee members and the committee staff for the work they did on this bill. I thank Senator Peterson, in particular, for sitting in on my behalf occasionally.

I, too, encourage honourable senators to read the observations appended to this bill, which are of significance to its interpretation and the evolution surely in the other place. I do encourage honourable senators to support this report at this time.

• (2110)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Segal, bill placed on the Orders of the Day for consideration for third reading at the next sitting of the Senate.)

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Demers, for the second reading of Bill S-10, An Act to implement the Convention on Cluster Munitions.

Hon. Roméo Antonius Dallaire: Honourable senators, I still have my observations to bring forward on this bill and I would move the adjournment in my name.

(On motion of Senator Dallaire, debate adjourned.)

[Translation]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

Hon. Roméo Antonius Dallaire: Honourable senators, this is an extremely sensitive topic for me, considering my past experiences. It is late, and furthermore, I did not take my medication, so I do not dare even try to delve into this matter here this evening. I would like to pursue it tomorrow.

(On motion of Senator Dallaire, debate adjourned.)

[English]

ROYAL CANADIAN MOUNTED POLICE

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of June 14, 2012:

That he will call the attention of the Senate to how the allegations of sexual harassment and harassment generally can be better handled in the RCMP.

He said: Honourable senators, I realize that it is late. It has been a long day, a long week and a long session. However, I rise to speak about an issue of grave importance. It is a very serious matter and, the way that the schedule is unraveling next week, it might be difficult to have a chance to speak to an inquiry of this nature at that time. Therefore, I would like to speak to this before the session rises.

I would like to do it, in particular, because the issue that I am addressing is the issue of sexual harassment and harassment generally in the RCMP. I believe harassment reflects a deep and profound cultural problem in the RCMP. One of the manifestations of that problem is the post-traumatic stress experienced by many of the victims of this process of harassment.

One of the things that compounds their victimization is their inability to be heard and their inability to have some structural, institutional, public venue in which they can present their case and be heard. It is the classic case of truth and reconciliation in terms of how that process in South Africa and the process being adopted now in our Aboriginal communities actually does lead to healing. Therefore, tonight I hope to give, at least in a small way, some voice to these victims' problems.

There is no question that we have an issue — a deep, cultural problem — in the RCMP. While it has not been acknowledged to the level of intensity I will suggest exists in that respect, Commissioner Paulson has acknowledged that there is a problem. The minister, who appeared before our National Defence Committee, acknowledged there is a problem. Yesterday, to some extent and to their credit, they announced legislation that, if it were to operate effectively, might go some distance to rectify this problem. The fact that they would present this legislation is further indication and acknowledgment that there is, in fact, a problem.

Let me give honourable senators a couple of examples that reflect the depth and intensity of the issue. These are documented cases of harassment. They have been documented through the tribunal process, which is structured in the RCMP, and they have resulted in findings that are on the record. I will reflect those briefly here.

One refers to a case of a male sergeant who had sex on RCMP time in an RCMP car with a subordinate female. They both lied about that in the first instance, and then they both admitted that they had done that.

• (2120)

They were both brought before tribunals, as is the process required and outlined in the RCMP Act. Interestingly, the more senior officer, the male sergeant, was found guilty and docked 10 days' pay. It was said by the tribunal officers that, in fact, they would have demoted him except that the question of lying was excluded from his tribunal's terms of reference. Ironically, — worse than that, quite horrifyingly — the woman's case resulted in her being fired. Her terms of reference were, in fact, written to include the lie so that the penalty could be "harsher." It is interesting to me that, in that context, the sergeant — the superior, the man — gets docked 10 days' pay and given a slap on the wrist, and the woman is treated much more harshly and, in fact, loses her job. That is the first case.

The second case is equally disturbing in a different way. A staff sergeant — and these are the admitted facts of his case — brought liquor into the office, drank in the office on RCMP time, had sex with a subordinate in the office and had sex in the parking lot with a subordinate. He also had the responsibility of interviewing certain people in the process of screening them for security, would ask them out, and then falsified, at least in one case, the information which was for security purposes. It is almost incomprehensible. He then also exposed himself to a woman in the office on the job.

What happened to him? He was demoted one rank and he lost 10 days' pay. He was sent to British Columbia, where one can ski, golf, water ski, sail, swim and drink wine on an open patio all on the same day. That is what he got. It is almost incomprehensible. No teacher, no lawyer, no politician, no worker in an office, no professor, no one else in the country could expose themselves on the job and get posted, at taxpayers' expense, to British Columbia. It was just a slap on the wrist.

That underlines for me a serious cultural problem. The tribunal said they were thinking about firing him, that that was at the forefront of their minds, but they received some very positive, strong endorsements from people he had worked with — some people would say members of the old boys' club — which made them realize that he deserved a second chance.

I am wondering about that 18-year-old who has six marijuana plants. It does not matter who writes a nice letter of reference for him. It does not matter how many principals, teachers, coaches, priests and clergy people write letters. It does not matter. That 18-year-old, that almost child, is going to jail for a year, no matter what. However, an RCMP officer, in an RCMP uniform, in an RCMP office, betrays the trust he has over the people whom he commands, involves himself in a criminal act of exposing himself, and what does he get? He gets sent to B.C. He can ski, golf and swim all on the same day. Fantastic. It is incomprehensible.

Do we have a problem in the RCMP? I think we do. Two hundred people, all of them women, are now in a class action against the government. Some of these have been proven and some of them are allegations, but where there is that much smoke, there is fire.

While this harassment affects men as well as women, it is often and disproportionately focused on women in the force. A superintendent responsible for B.C. said, in a moment of honesty, no doubt about it, that he would not recommend that his 21-year-old daughter should join the RCMP because of the internal cultural problems. That same superintendent is also the person who accepted and took under his command in B.C. this sergeant who exposed himself. So, it is a problem.

The government will tell us they are doing something about it. First, they brought in a motion to study sexual harassment in the public service, all of the public service, and they did that because of the heat building from the work of member of Parliament Judy Sgro on other side. When it was raised by member of Parliament Judy Sgro that they should focus on the RCMP case, because that is where this issue originated in its current form and intensity, they said, no, we will do it generally. This would be like taking the 1990s case of the military in Somalia and acknowledging that there is a problem and then having the military investigate Canada Post as a result. It makes no sense except that the government wants to, for whatever reason, deny, delay, push back and push off this problem.

I do not get it. There is no political downside for the government. None, zero. They did not cause the problem, and they can fix the problem. They can build and help these victims and they can cure and make healthy again this remarkable institution of the RCMP. It has a problem.

The second thing they did is that when Commissioner Paulson came to our committee six months ago, he said they appointed a senior female officer to work on hiring more women into the RCMP. It turns out that she is very accomplished. She went on sick leave shortly after that and has since retired. I do not know if she has been replaced, but I do not think so. It begs the question: What is the point of hiring more women into an environment or culture where they cannot feel safe or thrive, where a superintendent said he would not recommend that his own 21-year-old daughter join the RCMP?

Third, they brought in a bill yesterday, or at least announced it, which will give the commissioner more power. They had originally toted it as more power to fire, but, of course, he actually does not have the power in this bill to fire, but there will be more power to fire people. If the culture has not changed, what is to say that it is not just going to be used to fire victims more easily, victims who have complained about harassment to those very persons and by those very persons — senior officers — who can in fact now fire them more easily? There is no guarantee that this bill will serve any particular purpose, except to perhaps compound the cultural problems, abuses and betrayals that occur, unless the culture is fixed.

Senator Dallaire will tell us that what we learned in the 1990s with the military is that these organizations are very good at deflecting the puck. They bring out a “he-can-fire-people” bill, although he really cannot, so that deflects that; or they will appoint someone to hire more women to deflect that puck. They are deflecting it. However, we do not need to deflect the puck; we need a fundamental game change. When talking about a cultural problem, one cannot solve it superficially.

Years ago, when I was in the legislature in Alberta, I met with a remarkable police officer, the City of Edmonton's Chief of Police, Doug McNally. The City of Edmonton police force had a certain kind of culture that was very militarist and had some of the negative features of that particular description. He changed it to what is called a service, where they went from driving in cars to more of a social work kind of approach to policing. It was very effective. He said that he had hundreds and hundreds of personal meetings — one person, two persons and three persons — and he worked with people to explain to them his vision of how this culture had to change. He said if the management and officers did not agree and did not get it, then they were not promoted and, if they really did not get it, then they were fired. He guided that police force and it changed fundamentally.

That is what you have to do. You cannot change this superficially. My profound fear is that this piece of legislation is nothing more than deflecting the puck a little bit and not really getting at the root of what needs to be done to fundamentally change the culture. Why am I concerned that that might be the case? Let me show honourable senators a couple of things.

Commissioner Paulson has just appointed somebody to the new position of the ethics and integrity officer for the RCMP. Now, guess who that is. It is one of the three people who sat on the tribunal that sent the sergeant to B.C. It had the chance to fire him, but did not. That tribunal could not figure out that this behaviour was sufficiently unethical to warrant firing somebody — that is, lying about a security clearance, exposing oneself in an RCMP office in one's RCMP uniform, drinking on the job and having sex with subordinates over whom one has authority.

• (2130)

That is a sufficient ethical breach or breach of integrity to warrant firing. Why would you make someone who was part of that tribunal but did not see that the ethics and integrity officer? He may be a remarkable person, and that decision may not reflect what he will be able to do, but it raises a question when one would even think to do that.

Another very important thing, which we learned in the military case, is that it is often the middle ranks who can torpedo what the senior ranks want to do. In this case, Commissioner Paulson said, when first appointed in the fall, and then he put it in writing in early January before this tribunal ruled, that he wanted to crack down, that he wanted people fired, that he wanted to deal with people like this sergeant who had disgraced himself and the force so fundamentally. He wanted to crack down on those people. Weeks later, when the tribunal could have fired him, they did not. The implication of that could be, although I do not know that it is, that those people defied his authority. That is potentially what happens in these kinds of the organizations. There are people who, through a web of relationships, can torpedo attempts to change a culture.

This should be looked into. It should have an open public viewing, if for no other reason than to help Commissioner Paulson send a direct message to these people in his organization that he means business. Mr. Paulson means business, the government is not happy, people in authority and the people of Canada are unhappy with what is happening.

I have talked to many of the victims and they are deeply hurt. They are every bit as hurt and their lives are every bit as damaged as the victims in the military. An examination of the situation would give the victims a chance to be heard in a place where they could feel safe and where people in authority would listen and perhaps action would be taken.

The Standing Senate Committee on National Security and Defence would be a great venue to do that. The Senate has a history of positive public policy involvement and investigation into serious and difficult questions. We could have the perspective and the objectivity to do something about this.

The Hon. the Speaker: The honourable senator's 15 minutes has expired. Is the senator asking for an additional five minutes?

Senator Mitchell: Yes.

Some Hon. Senators: Agreed.

Senator Mitchell: Thank you.

I want to tell you about five or six ideas that were presented to me by Catherine Galliford, who was the spokesperson for the Air India and the Picton inquiries. She was a very articulate and powerful person in her own right. She is still a powerful person because every day she fights post-traumatic stress syndrome. She suggested a number of things that should be done.

First, all investigations of harassment in the workplace have to be independent. I will say that to some extent this bill provides for outside independent inquiry, but the external board that has been set up to review processes is not independent; it reports to the minister. That needs to be rectified.

Second, she suggests that criminal charges should be laid. Why is it that anyone in any office against whom there is enough evidence for a conviction of exposing himself is not fired? Why would that person not be charged criminally? Why is it that when someone in the RCMP does something criminal they are not charged criminally? How can that possibly be? It is a double standard.

Ms. Galliford suggests that we recognize the issue of workplace mobbing syndrome. This has long since been recognized in Europe, the United Kingdom and other countries. This is bullying and victimization as an ongoing systemic problem. It puts a different colour on what is happening. That question needs to be asked in the context of that particular idea.

We need to have structured care for members who are now suffering from post-traumatic stress disorder. First, they have a very difficult time having it recognized in the RCMP. Second, they have a very difficult time getting the help they need. They need a new harassment policy, of course, and we need to open up dialogue with victims of harassment, as I have been suggesting.

I had a long talk last Friday with a victim, a very damaged person who is fighting every day just get up out of bed and get out of the house to get food. She is isolated and alone and has been betrayed by an agreement that she had with the RCMP. She said that she went into the RCMP because it was a place where she knew she could do something good; she could support justice and fight criminal wrongs and so on. I told her that, as hard as this is, the great irony is that she, in a sense, is doing exactly that. She has the courage to fight through what she has to fight through with post-traumatic stress disorder. She has stood up against profound wrongs that were done to her in a place where she should feel safe, the RCMP.

The RCMP is an icon of Canadian values. It is a place where every person, every woman in particular, should feel safe. Until they do, we have not changed that culture, we have not made that organization healthy. In this chamber, we have at our disposal and within our grasp the possibility of helping. We should call an inquiry through our committee and have open public debate and input on this issue to solve the problem, to fix the RCMP and to help these victims.

Some Hon. Senators: Hear, hear.

Hon. Pamela Wallin: Honourable senators, given many of the outrageous comments, the slurs and the maligning of the entire national police force, I would like to adjourn this matter in my name so that I might answer more fully why we would never engage in any outrageous kangaroo court under the auspices of the committee.

(On motion of Senator Wallin, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF SOCIAL INCLUSION AND COHESION

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of June 18, 2012, moved:

That notwithstanding the Order of the Senate adopted on November 22, 2011, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on social inclusion and cohesion in Canada, be extended from June 30, 2012 to December 31, 2012.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 9 a.m.)

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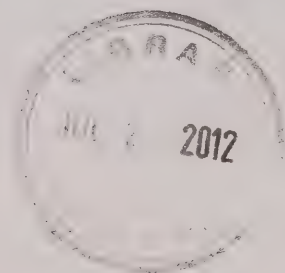
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(HANSARD)

Friday, June 22, 2012

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Friday, June 22, 2012

The Senate met at 9 a.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

THE HONOURABLE JOSEPH-GEORGES-GILLES- CLAUDE LAMONTAGNE, P.C., OC, C.Q., C.D.

VALCARTIER FAMILY CENTRE HONOURS

Hon. Roméo Antonius Dallaire: Honourable senators, on Saturday, June 9, I participated in a ceremony at the Valcartier Family Centre. I attended as president of the centre's foundation, along with my wife Élisabeth, the Minister of Veterans Affairs, Steven Blaney, and the Chief of the Defence Staff, to pay tribute to a beloved and unique individual.

I would like to read part of the speech that was delivered during the family day ceremony, to which more than 1,100 parents and children at the Valcartier base attended, as they also took part in other activities held that day:

For 20 years, the Valcartier Family Centre has been helping military families navigate through the challenges of military life; it encourages empowerment and solidarity within the military community of eastern Quebec.

The family centre was created at the request of families who clearly identified a solution to meet their needs. Since its creation 20 years ago, the family centre has evolved and expanded thanks to the families' involvement, support from the chain of command, the contribution of many partners, and the unyielding moral support of people like the Honourable Gilles Lamontagne.

Gilles Lamontagne is 94 years old. He served as a pilot in the Royal Canadian Air Force during the Second World War. He was shot down over the Netherlands in 1943 and detained as a prisoner of war until 1945.

Returning home, he settled in Quebec City as a businessman. He entered politics and was mayor of Quebec City for 12 years, from 1965 to 1977. He was elected to the House of Commons in 1977, became Postmaster General and then Minister of National Defence under Pierre Elliott Trudeau.

Mr. Lamontagne left politics in 1984 to serve as Quebec's Lieutenant-Governor until 1990:

It is a tremendous privilege and a great honour to have Mr. Lamontagne as the patron of the Valcartier family centre and the defender of this important cause for soldiers and their families.

We have benefited from your wise counsel, which has enabled our organization to grow. You have generously shared your experiences to help us understand important events in the history of Canada and the Canadian Armed Forces.

We will always remember the time during a meeting of the organizing committee when everyone was speaking with passion and intensity about the game plan for the fall auction. You stopped us and said, "I just wanted to say that, 60 years ago today, my plane was shot at over Holland."

That was March 12, 2003. There are no words to describe the profound gratitude we felt at that moment for that reminder about the value of what we were doing for soldiers and their families, or for the deep respect Gilles Lamontagne inspired.

Given all that you have lived through, every event more significant than the last, you could have retired, but at 94, you are still here with us. Your life story is inspiring and gives us hope.

[English]

THE HONOURABLE MOBINA S. B. JAFFER

ELEVENTH ANNIVERSARY OF APPOINTMENT— EXPRESSION OF THANKS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to thank all of you here in the Senate. It has been exactly 11 years since I was appointed to the Senate by Mr. Chrétien. I feel so privileged to represent my beautiful province of British Columbia.

Today, I want to thank Mr. and Mrs. Chrétien for their generosity. Thirty years ago, they welcomed my family to the Liberal family and supported us as we began our lives in Canada. I very much appreciate the help I have received from Speaker Kinsella, and Senators Carstairs, Cowan, Tardif, Munson, Hubley, LeBreton and Carignan. To each and everyone one of you for all the support you have given me, thank you.

I also want to thank the Clerk of the Senate, Dr. Gary O'Brien; the Principal Clerk, Chamber Operations and Procedure Office, Charles Robert; and all the table officers for their incredible efforts in support of our work.

Honourable senators, our legal section, under the leadership of Mark Audcent and now Michel Patrice, have obliged me in my work. I can tell Mark that we all miss him. The crux of our work is done in committee. I want to thank Heather Lank and her great team of clerks and support staff. Dan Charbonneau the Clerk of the Human Rights Committee, continues to support me in my role as chair of the committee and for that I am grateful.

I just wanted to give credit to the Banking Committee. The final report of the Standing Senate Committee on Banking, Trade and Commerce is called *Canadians Saving for Their Future: A Secure Retirement*. Senator Meighen was chair and Senator Hervieux-Payette was deputy chair. That was from October 2010. On that committee were Senators Ataullahjan, Gerstein, Greene, Harb, Kochhar, Massicotte, Mockler, Moore, Oliver and Ringuette. Essentially, it recommended the very bill we are dealing with.

My only comments are that the Senate should get credit for this interesting piece of legislation. There were some issues, which I think Senator Eggleton will speak about, that the other side thought needed changing and perhaps improving.

However, overall I think I can speak for all honourable senators and say we agreed with the principle of it, and we agreed with the bill. Thank you.

(On motion of Senator Tardif, debate adjourned.)

**IMMIGRATION AND REFUGEE PROTECTION ACT
BALANCED REFUGEE REFORM ACT
MARINE TRANSPORTATION SECURITY ACT
DEPARTMENT OF CITIZENSHIP
AND IMMIGRATION ACT**

**BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED**

Hon. Yonah Martin moved third reading of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

She said: Honourable senators, I just wish to acknowledge the work of the Standing Senate Committee on Social Affairs, Science and Technology, all the honourable senators who are committee members and who had focused sessions with respect to this bill, and our chair. I also want to acknowledge the work of the critic, Senator Jaffer, and the ongoing communication we had with officials and with one another. This bill is very important for the integrity of our immigration system, of all of the acts that are part of this bill.

I just wished to say those words of acknowledgment. Thank you.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak at third reading of the ominous bill, Bill C-31, which is an act that will deal, first, with our refugee system; second, human smuggling; and third, biometrics. Before I proceed, I would like to thank Senator Ogilvie and the members of the Standing Senate Committee on Social Affairs, Science and Technology for the work they did on this bill.

Senator Ogilvie set a tone for the manner in which this bill was studied. I understand that we all have different experiences in life, but in the Senate we do not bring our partisan views to committee to such an extent that we become disrespectful of each other. I thank Senator Ogilvie for his leadership.

I also want to thank the Honourable Senator Martin, another British Columbian, for the way she helped me understand this bill and the way we worked together. I commend her for the tone that she also set in committee. Thank you. I also want to take the opportunity to thank Kevin Lamoureux, the immigration critic, Member of Parliament for Winnipeg North, for all the help he gave to me to prepare for this bill.

As I stated during the speech I delivered at second reading, Bill C-31 raises many questions and will really change the lives of people who flee to our country, particularly in the way we process asylum claims. Once this bill is passed, there will be a three-tier system for refugee claimants applying for asylum in Canada: first, the present system; second, the designated country of origin or the safe country option, often referred to as the “Roma option”; and third, the designated foreign national, which is widely known as the “Tamil boat option.”

As a refugee to this country, I will be the first to state that our country must have a fair, consistent and efficient refugee system. I want the refugee system to have integrity, because I never want the door to be slammed in the face of deserving refugees, refugees who need Canada’s help when they are fleeing persecution.

This bill represents our government’s attempt at protecting the integrity of Canada’s immigration system by helping to ensure that it is fair, consistent and efficient. Unfortunately, this bill fails to meet each and every one of those objectives. Not only does it fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and that are in direct contradiction with Canada’s international obligations.

Although there are several very troubling components to this bill today, I will focus on a few that I believe demand our attention. I will begin by setting out several provisions of the bill that are unconstitutional. Then, I will discuss biometrics. Third, I will examine the designated country of origin, what is known as the “Roma option.” Then I will examine the designated foreign national option, also referred to as the “Tamil boat option.” I will conclude by discussing the effect this bill will have on children fleeing persecution.

I will discuss how Bill C-31 is unconstitutional. Honourable senators, the Canadian Civil Liberties Association is concerned that if Bill C-31 is passed and implemented, it will violate several of Canada’s constitutional and international obligations. This would come at a great cost to Canada and Canadians, both ethically and financially. As I stated at second reading, the Supreme Court of Canada, by way of what is referred to now as the *Singh* decision, has determined that the Charter of Rights and Freedoms is applicable to refugee claimants. Bill C-31 is in contradiction with the *Singh* decision as it does not guarantee refugee claimants rights granted by the Charter of Rights and Freedoms.

• (0920)

To give you a few examples, section 7 of the Charter states that everyone has a right to life, liberty and security of the person. However, Bill C-31 denies reunification of families for a period of five years, which clearly violates security of the person. In addition, this bill can also lead to increased detention periods, thus violating one’s right to liberty.

Section 9 of the Charter states that individuals have the right not to be arbitrarily detained. However, Bill C-31 imposes a detention period without review until the expiration of six months. Further, the minister is not held accountable for long detentions.

Bill C-31 also violates international law. The 1951 Refugee Convention and the Charter are the anchors of our refugee system. Article 31(1) of the 1951 convention specifically states that no country will impose penalties on account of illegal entries of refugees. This article was included in the treaty specifically because it was understood that people seeking refuge could be in breach of immigration law. Honourable senators, Bill C-31 also treats refugees as criminals rather than as victims.

International law recognizes that refugees often have no choice but to enter a country of asylum illegally. The refugee convention, therefore, prohibits governments from penalizing refugees who enter or remain illegally in their territory. For a refugee, false documentation may be the only way for an individual to flee persecution in their country. Canada recognizes this in section 133 of its current Immigration and Refugee Protection Act. Bill C-31 would allow the minister to deem a group an irregular arrival if the identity of the individuals in the group cannot be determined in a timely manner, or if there is suspicion of human smuggling or criminal activity. The fact that refugees may have false documents makes them more prone and vulnerable to being declared a designated foreign national because such documents could impede the minister's ability to identify an individual in a timely manner.

Therefore, Bill C-31 has the potential to treat individuals who are seeking asylum or refuge as criminals rather than as victims. More specifically, inclusion of provisions discussing irregular arrivals state that children 16 years of age or older can be detained and that children under 16 years of age can be separated from their families without any obligation of the federal government to appropriately justify this detention. This is not only unconstitutional, but it is also in direct contradiction of Canada's international obligations.

The minister's ability to designate groups as irregular arrivals puts at risk those who are genuinely seeking refuge. Under this legislation, a refugee may be identified as being part of an irregular arrival and thus be deemed a designated foreign national. The minister can designate an arrival irregular based on one of the two criteria: if an individual is found to be with a group, that is, two or more individuals, that includes persons whose identities cannot be established in a timely manner or if the minister has reasonable grounds to suspect that the vessel in which they arrived is engaged in human smuggling or criminal activity.

As a result, genuine refugees could be subjected to harsh penalties that are imposed on designated foreign nationals. In this sense, designation is not based only on the context of alleged smuggling but also on the absence of sufficient bureaucratic resources to process arrivals. In addition, only the Minister of Public Safety can make this designation, and it is not subject to parliamentary oversight, nor is it possible for the claimant to appeal such a designation.

Unfortunately, an individual who is identified as a designated foreign national, even if the individual is eventually found to be a genuine refugee, include: mandatory detention of up to six

months, the inability to apply for permanent residence for five years after they have been found to be a refugee, and being prohibited from sponsoring family members for five years after the individual has been found to be a refugee.

The 1951 Refugee Convention clearly states that we are obliged to facilitate the naturalization of refugees. Honourable senators, by imposing a five-year delay before a designated foreign national found to be a convention refugee can apply for permanent residence, Bill C-31 violates Article 34 of the 1951 Refugee Convention.

Honourable senators, there is a legitimate case to be made about implementing biometrics, and I agree with that part of the bill, so that people who enter our country and are deported from our country do not re-enter. We know countries all over the world are implementing biometrics, but we need to ensure that the privacy rights of refugees are protected because there can be dire consequences in the event this information is released to other countries. We know that no system is foolproof, as we saw with the problems with the HRDC job bank when privacy rights were breached. The Privacy Commissioner is investigating that matter. Also, the Privacy Commissioner of Canada recommends the use of biometrics to verify rather than identify individuals to safeguard privacy.

Mr. Peter Showler, a professor at the University of Ottawa, who had been the chairman of the Immigration and Refugee Board stated to our committee:

It is an incredibly complex problem. People use biometrics as though there were a magic solution. Remember that biometrics is also fingerprints and photographs and all kinds of other things. In my recommendation to the Commons committee, I recommended that they had to look at it from the point of information security. The great challenge is the inadvertent sharing of information with international partners who have very different objectives and, quite possibly, very different human rights records than we do.

Honourable senators, Bill C-31 includes a safe country provision which gives the minister the discretion to create a list of countries that are unlikely to produce refugees. This means that claimants from those countries would be dealt with quicker. However, they would not be allowed to appeal, thus increasing the likelihood of genuine asylum seekers being deported. The unfortunate reality is that gender-based persecution occurs even in countries deemed to be safe. Under this bill, if a woman faces gender-based persecution but comes from a country that the minister has designated to be a safe country, her claim could be denied.

Peter Showler stated the following:

One of the problems with safe countries — and I mentioned the fact that safe countries are not always safe — is that, frequently, the persecutor in those countries is not the state. Often, though not always, it tends to engage gender issues. When I said that DCO claims can be onerous to prove, they are the types of claimants that are not even particularly good at bringing those kinds of claims forward. They certainly need as much time as anyone else.

Honourable senators, I am pleased to report that our committee included observations relating to this matter. These are observations in regard to clause 58 of Bill C-31, which will add section 109.1 to the Immigration and Refugee Protection Act.

The committee emphasizes the importance that the gender guidelines issued by the Immigration and Refugee Board of Canada continue to be applied to refugee claims from designated countries of origin.

The committee encourages the Immigration and Refugee Board of Canada to develop guidelines related to the LGBT communities.

The committee encourages the minister and the Immigration and Refugee Board of Canada to take into consideration the special situation of minorities within the country of origin.

Based on the convention, the definition of a refugee does not include gender as an independent enumerated ground for a well-founded fear of persecution warranting the recognition of convention refugee status. Many of us worked very hard to develop gender guidelines so that the Immigration and Refugee Board could take gender-based persecution into account.

Most of the gender-specific claims involving fear of persecution for transgressing religious or social norms may be determined on grounds of religion or political opinion. In a case, the Immigration and Refugee Board found that the claimant was a convention refugee. The claimant's fear was of the violent behaviour of her husband condoned by that society, the traditional rituals which include the searing of her body with a heated instrument and continuing domination and demands causing her to be enslaved.

Ms. Chris Morrissey, the co-founder of Rainbow Refugee Society, appeared as a witness at committee and also encouraged the Immigration and Refugee Board to develop guidelines for gay and lesbian people who face great persecution in countries, reminding the committee that these individuals may be facing this type of persecution in countries that are designated as being safe countries.

• (0930)

During our committee meetings, we had the pleasure of hearing from Ms. Gina Csanyi-Robah, a member of the Canadian Council for Refugees, who gave us a compelling story about the Roma people, who are associated with this provision of Bill C-31 as they flee from a country that is designated to be safe, Hungary.

I would like to take a minute to share with you a story she submitted to me as she wanted me to share with senators the plight Roma people face. I quote:

Roma refugees arrive en masse without any support available to them. The vast majority of Canadians do not even know who the Roma community is unless we identify ourselves as Gypsies, a name that was applied to us during the medieval time period in Europe when we were mistaken as Egyptians by the British Empire.

Many people are horrified to learn about the treatment that we have endured as a people for the past millennium in Europe: mass killings, extreme and cruel marginalization from society and enslavement for 500 years until 1863 when the last Romani slaves were emancipated in Romania. This ugly history also includes the loss of nearly two million lives in forced labour work camps prior to and during World War II, as well as victims of genocide during the Holocaust. We have for the most part been left out of the history books. We are a people uncouncted.

The Roma are still wasting away in refugee camps created in Kosovo by the UN in 1995. They have nowhere to go, and it is still unsafe for them to return.

Currently, in countries such as Hungary, Slovakia and the Czech Republic, there is an endemic discrimination that many international human rights bodies have described as apartheid-like conditions. More fatal is the war of hatred killing the Roma — mentally, physically, emotionally — children's spirits are being crushed at the hands of a portion of the ethnic majority population in these countries.

For the past two years I have been trying to share with the Canadian government what is taking place in Hungary and why Romani people are seeking refuge in Canada.

Since 2008, there have been approximately 30,000 individuals — men, women, children, elderly — who came believing that they had arrived in a mecca for human rights. They sold everything that they owned. They arrived in large, intact familial groups, as is customary in the culture. They have filled our shelters and schools. They have been relying on food banks, as many other Canadians do who have to rely on welfare to survive. Like Canadians, they too suffer from a mass shortage of family doctors available and often need to wait six months for an appointment. They too have criminals among them, as every other community in Canada does.

Unlike Canadians, 30,000 refugees have been stereotyped as criminals at times and as the victims of criminals.

The Roma community in Canada and countless Canadians do not want to see the creation of a designated safe country list and hope Romani people fleeing Europe will continue to enjoy the same opportunities granted to refugees from other parts of the world.

With respect to designated foreign nationals, honourable senators, under Bill C-31, the minister may designate the arrival of a group of persons to Canada as "irregular," or what is now called "mass arrival," if the minister is of the opinion that examinations particularly relating to identity and admissibility of the persons involved in the arrival and other investigations cannot be conducted in a timely manner.

If a person is found to be a convention refugee, they will be denied two very important rights. One, they will not be able to apply for permanent residence for five years, and two, they will not be able to sponsor their spouse and children for five years.

This is a punitive action, and I cannot begin to imagine why we would do this to a person who is found to be a refugee by the Immigration and Refugee Board. This breaks all of our international conventions. In fact, to me, this is an example of cruel and unusual punishment. I am very confident that the courts will not accept us treating individuals whom the Immigration and Refugee Board has deemed as refugees in such a horrific and uncompassionate fashion.

Honourable senators, this is simply unjust. We in the Senate, who are supposed to protect the rights of minorities, should not accept this punitive clause.

Let me put into context what this clause would mean for a refugee.

If a person is designated by the minister, they will be placed in mandatory detention for a minimum of two weeks, which most often turns out to be six months or more. The refugee claim will be assessed while that individual is in detention.

If the claim is not accepted, there will be no appeal for the claimant. If the claim is accepted, the refugee cannot apply for permanent residence for five years. The refugee will not be provided a travel document for five years, nor will they be able to bring their children or spouse here for a period of five years. For a refugee who has already lost everything to then be separated from family for a minimum of five years is unthinkable.

Honourable senators, earlier I stated that there is often an event that triggers a government to change their laws. In this case, it was a boat of Tamils who found their way onto the shores of British Columbia roughly two years ago.

I have to tell you that I am very confused as to why these desperate people are being painted as villains when our own Prime Minister has recognized their pain and suffering and has as a result made a decision not to attend the Commonwealth Conference because of the human rights abuses in Sri Lanka.

Let me be more specific. During my career, I have come to know many Sri Lankans. As a lawyer, I have for years represented the Sinhala, Muslims, Burghers and Tamils. I can tell you that all groups in Sri Lanka have suffered terrible human rights abuses. I believe that this is precisely why our Prime Minister, Stephen Harper, has taken a principled stand in not attending the Commonwealth Conference. There are severe human rights abuses against the people of Sri Lanka, and Prime Minister Harper, by refusing to attend the conference, is showing the world that Canada does not condone such behaviour.

Honourable senators, as the envoy for women in conflict zones, I travelled to Colombo and I went to many parts of Sri Lanka. I can tell you that the situation for all Sri Lankans is very desperate.

When I was appointed to the Senate, I became the envoy for women in conflict zones. I travelled across the country speaking to women across Canada who are part of the Sri Lankan diaspora. In our report entitled *Ripples Across the Ocean*, the unfortunate plight of Sri Lankan women was highlighted both here in Canada and in Sri Lanka.

Honourable senators, last December I was in different parts of Sri Lanka. I met with many people who had suffered terribly during the civil strife. Often it was hard to hear the people speak of their pain. I often watched my friend Visaka Dharmadasa and listened with a heavy heart as he she shared her story. I have travelled with Visaka to many parts of the world as we worked to help women mobilize in conflict zones.

Years ago, one of Visaka's sons, who was in the army, went missing. After suffering such a terrible loss, Visaka started an organization for war-affected women, which allows her to reach out to women who have suffered a similar fate.

I admire Visaka for mobilizing Tamil, Sinhalese, Burgher and Muslim women and bringing them together for a common cause. Visaka showed these women that, regardless of their differences, they all had one important thing in common: They were mothers. Slowly, these women helped each other heal from their losses, which in turn helped bring entire communities together. I am pleased to tell you that Canada and the Canadian government has been very much a part of the healing process of Sri Lankan women in Sri Lanka.

There are many heroes like Visaka who are working hard to bring peace to Sri Lanka. However, still there is a lot of work that needs to be done, and the conditions in Sri Lanka are still dire.

From one corner to another, I saw desperate people in Sri Lanka trying to keep their families together. I met many women who told me heartbreaking stories of how they had lost family members and everything they owned. What do you say to a woman who is destitute, has lost all her children, all her assets and is trying to survive in a new and foreign area, not knowing what tomorrow has in store? Many of these women were hoping to seek refuge simply to ensure that their children stayed alive and free from conflict and violence.

Although I am very pleased that the Prime Minister is taking such a principled stand and has decided that he may not attend the Commonwealth Conference in Colombo, how are we treating the Sri Lankans that are arriving on our shores? We have seen ministers get on the boats and call them terrorists.

• (0940)

Honourable senators, I am really confused. Are these abuses of human rights or are they not? I am disappointed that we are introducing a law that will turn away these desperate individuals when they come to our shores seeking refuge. In fact, even when they are found to be convention refugees, we will not provide them with travel documents. We will not let them be permanent residents for five years, and we will not let them sponsor their children for five years, which is likely to be eight years.

Honourable senators, does this really sound like a refugee system that Canadians can be proud of? I am ashamed.

Honourable senators, I would like to conclude my speech by discussing the provisions which I am most concerned about. I find the impact that this piece of legislation will have on children to be exceptionally troubling. We cannot accept that a child who has fled his country because he was being persecuted should face imprisonment in our country.

Under the provisions of Bill C-31 that discuss “irregular arrivals,” children who are 16 and 17 years of age, who would under this bill face mandatory detention, will also be separated from their families as facilities are segregated by gender, meaning that a child would be unable to be accompanied by both parents. This is in direct contradiction of section 9(1) of the UN Convention on the Rights of the Child, which discusses forced separation when stating:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of a child by the parents . . .

Honourable senators, we must remain mindful that when dealing with children it is our responsibility to always protect their best interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres where they will experience a heightened risk of suffering from several mental and behavioural health issues, not to mention the emotional distress of being in a new country, separated from their loved ones.

In fact, both the United Kingdom and Australia, whose policies we are now following, implemented policies similar to the ones we are debating today. However, both Australia and the United Kingdom later rescinded these policies as they realized the detrimental affects they had on children who were desperately seeking asylum. Having proof policies of this nature are clearly harmful to children, we must ensure that we learn from the mistakes of other nations and do not neglect to properly assess the impact these provisions will have on children.

Honourable senators, I would like to take this opportunity to draw your attention to a model adopted by France — one that I believe Canada could learn a great deal from.

[Translation]

Some supporters of this bill have referred to other Western democracies, particularly Australia, that have adopted immigration reforms similar to those in the bill.

Yes, it is important to note best practices from other countries that are dealing with the same public policy issues. However, these supporters only mentioned countries whose failed policies resulted in the denial of refugees’ basic human rights. There is absolutely no reason to limit our comparative analysis of policies to the study of just one country, like Australia, for instance.

I would argue, honourable senators, that there are better solutions, better thought-out policies that Canada might want to consider. In my opinion, these options must strike a balance between the need for creative solutions that will make our immigration system effective and our moral obligation to promote the universal implementation of human rights. This moral obligation is particularly important when it comes to children’s rights.

I would like to draw the attention of this honourable chamber to France’s approach regarding refugee children. I would like to refer in particular, honourable senators, to a report from May 2010 prepared by French senator Isabelle Debré dealing with “isolated” or unaccompanied foreign minors in France.

In the introduction of her report, prepared at the request of French Prime Minister François Fillon, the senator writes, and I quote:

Clearly, our reflections must be guided first and foremost by the human dimension of the phenomenon, particularly since France has ratified the Convention on the Rights of the Child [. . .]

As you know, honourable senators, Canada has also ratified the Convention on the Rights of the Child. More countries have ratified that Convention than any other human rights treaty in history. Some 193 countries are party to that Convention.

Therefore, Canada has not only a moral obligation to respect children’s rights, but also an international legal obligation.

The French proposal recognized the need for universal respect for children’s rights, and it represents the most instructive, useful and credible example.

Please allow me to share some of the main recommendations made by Senator Debré that I believe should also have been considered when the government drafted this bill.

The recommendations made by Senator Debré focus on two main objectives, and I quote:

To coordinate actions related to non-national unaccompanied minors in accordance with the interdepartmental plan implemented at the local level, and

To make meaningful improvements to the conditions for receiving, returning and (or) taking responsibility for non-national unaccompanied minors.

Similarly, Canada must first ensure that there is a comprehensive, coordinated approach to address issues related to non-national unaccompanied minors. It must also work to ensure that there are better conditions for non-national unaccompanied minors.

Honourable senators, these are not optional requirements. These are obligations to which Canada committed under the most widely ratified human rights treaty in the world. I am not talking about ideological preferences or the debate on public spending priorities. We absolutely must protect children’s rights.

The recommendations in the French report include:

Create a space reserved exclusively for minors in waiting areas and detention centres;

Develop measures to more reliably determine the minor’s age;

Provide a stay document, once they reach the age of majority, to non-national unaccompanied minors older than 16 years of age who are taken in by child welfare agencies, provided that they are receiving formal education or training and have a life plan.

Establish observation and statistical methods to provide data to a centralized, interdepartmental platform and entrusted to the Protection judiciaire de la jeunesse [French juvenile protection service];

Develop national training for temporary administrators that could be carried out by the École nationale de protection judiciaire de la jeunesse [French national juvenile protection service school], in connection with experienced associations.

Honourable senators, these measures were all designed to preserve the efficiency of the immigration system, while at the same time ensuring a cooperative and global approach to protecting the rights of foreign unaccompanied minors.

There is no apparent reason why similar measures cannot and should not be implemented in Canada. In addition, Bill C-31 does not treat 16-year-old children as minors; the bill directly violates our country's obligations under the Convention on the Rights of the Child.

Canada's immigration system should be improved, but not at the expense of children's rights.

[English]

Honourable senators, I would like to leave you with an example which will put into perspective the impact that this bill will have.

Under Bill C-31, if a 16-year-old Somalian boy arrives on Canadian shores, we will detain him for six months. Then, if he is found to be a refugee, we will force him to wait five years before he can apply for permanent residency or be reunited with his family. We will also deny him essential medicine. Does this sound like a system that Canadians can be proud of? Canada is a signatory to the United Nations Convention on the Rights of the Child and has thereby made a commitment to always ensure that civil, political, economic, social, health and cultural rights are protected.

• (0950)

Now we as a country have an obligation to honour that commitment and do everything we can to protect the world's most vulnerable population: its children.

The UN Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18. The fact that this bill calls for an unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all honourable senators to revisit these provisions and adopt the definition of a child that reflects the one set out in the UN Convention on the

Rights of the Child, adjusting the age requirements from 16 to 18 years. In its present form, Bill C-31 violates Article 37(b) of the United Nations Convention on the Rights of the Child, which states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

It is of utmost importance that the provisions of Bill C-31 that call for the detainment of children aged 16 and 17 be amended. By adjusting the age by two years, we would be ensuring that children are not unfairly targeted by this bill. I would now like to bring forward an amendment which will do just this.

MOTION IN AMENDMENT

Hon. Mobina S.B. Jaffer: Therefore, honourable senators, I move:

That Bill C-31 be not now read a third time but that it be amended

(a) in clause 23,

(i) on page 12, by replacing line 39 with the following:

"and who is 18 years of age or older on the day",
and

(ii) on page 13, by replacing line 3 with the following:

"who was 18 years of age or older on the day";

(b) in clause 24, on page 13, by replacing line 11 with the following:

"Division and who was 18 years of age or older";

(c) in clause 25, on page 13, by replacing line 27 with the following:

"was 18 years of age or older on the day of the";

(d) in clause 26, on page 14,

(i) by replacing line 9 with the following:

"designated foreign national who was 18 years",

(ii) by replacing line 20 with the following:

"designated foreign national and who was 18",
and

(iii) by replacing line 37 with the following:

"18 years of age or older on the day of the arrival";

(e) in clause 27, on page 15,

(i) by replacing line 2 with the following:

“designated foreign national who was 18 years of”, and

(ii) by replacing line 10 with the following:

“foreign national who was 18 years of age or”; and

(f) in clause 28, on page 15, by replacing line 32 with the following:

“who was 18 years of age or older on the day”.

Thank you very much.

The Hon. the Speaker: It has been moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy

That Bill C-31 be not now read a third time but that it be amended

(a) in clause 23,

(i) on page 12, by replacing line 39 with the following —

Shall I dispense?

Hon. Senators: Dispense.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

ALLOTMENT OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, we have been unable to reach an agreement with the Deputy Leader of the Opposition concerning the allotment of time for debate at third reading stage of Bill C-31.

Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[English]

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Hugh Segal moved third reading of Bill S-9, An Act to amend the Criminal Code, as amended.

Hon. Roméo Antonius Dallaire: Honourable senators, I was not expecting this to happen today, as I was expecting the original critic to speak to Bill S-9. I wish to speak to this bill but am not in a position to do so today, so I will ask to adjourn debate.

(On motion of Senator Dallaire, debate adjourned.)

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Demers, for the second reading of Bill S-10, An Act to implement the Convention on Cluster Munitions.

Hon. Roméo Antonius Dallaire: Honourable senators, I wish to speak at second reading of Bill S-10 in order to put forth the groundwork that I believe will be essential when this bill moves to committee — which I suspect it will be after I speak today — in order to permit the committee to look at the spectrum of aspects of this bill that must be reviewed and discussed before it is brought back to this chamber.

Soon after the bombing in Afghanistan began in 2001, the Pentagon announced its intention to change the colour of the humanitarian daily rations being airdropped throughout the country. These are the small yellow packages of prepared meals that contain enough calories to feed a person for one day. The practice of distributing humanitarian rations dates back to the conflicts in Bosnia, Rwanda, Cambodia, Sierra Leone and Somalia. They were designed to reduce mortality rates during emergencies or humanitarian crises, and perhaps even win a few hearts and minds in the process.

By the time the Pentagon changed the packaging, some 2.5 million humanitarian rations had already been dropped, and U.S. forces had dropped more than 1,000 BLU-92 cluster bombs throughout Afghanistan, containing some 250,000 submunitions. Regrettably, the thousands of bomblets that failed to explode on impact were the same size and colour as these humanitarian packages. As the humanitarian rations blanketed the landscape, they were mixed in with the bomblets. One cannot imagine how many children had their limbs blown off due to this careless oversight.

Honourable senators, in a way, it is understandable why countries like Russia, China and the U.S. are reluctant to remove cluster munitions from their arsenals. Developed in the lead-up to

the Vietnam War, cluster bombs are highly effective area weapons, designed to lay out barriers, block forces and push troops into killing zones. They can be used to rapidly take out airfields, swaths of tanks or large troop formations — the kinds of formations we expected to face in the Cold War, in classic war.

• (1000)

Almost immediately following their development, cluster bombs became the weapon of choice for area denial. Instead of asking the ethical, legal and moral questions of how the weapon would affect civilians, the only question asked was, "How many of these things can we actually make?" and so they built them by the hundreds of thousands.

Today, we are at the point where some 86 countries stockpile the weapon. While Canada has never used them, 18 other nations have. For example, some 500,000 cluster bombs, comprising 285 million sub-munitions, were dropped over the fields, cities and peoples of Vietnam, Laos and Cambodia, between 1964 and 1975. In the 1980s and 1990s, they were used extensively in places like Lebanon by the Israeli forces and in Iraq and Kosovo by U.S. Forces.

In all of these conflicts, cluster munitions have been shown to be highly effective in killing human beings. However, behind this is an even more devastating truth: The real cost, the human cost, is the civilian cost.

By their very nature, cluster bombs are imprecise weapons. Launched from the air, artillery systems or rocket launchers, each one opens mid-air to release dozens or hundreds of bomblets. Strikes cover areas the size of football fields and have no ability to distinguish between enemies, friendly combatants or civilians — even children.

Children like 6-year-old Umarbek, a young boy from Tajikistan whose home was struck by these weapons in 1991. Just imagine his horror as shrapnel sliced through his right eye and ripped through his small torso and face. It tore through his sister's abdomen and took his brother's life.

Just like land mines, cluster munitions kill, maim and injure innocent civilians long after conflicts come to an end. This happens because many fail to explode on impact, littering whole communities with unexploded ordnance. Failure rates have been calculated from anywhere between 7 per cent and 40 per cent depending on the ground and the vegetation, for many stay stuck in the leaves of trees.

Even at 1 per cent, we are dealing with thousands of unexploded bomblets. As a result, farmers cannot farm, refugees cannot return, and those who do risk life and limb.

[Translation]

What is more, honourable senators, these weapons were designed for another era. Today's conflicts are nothing like the wars of old. These are not territorial wars. Once war moved into the cities, it became more and more difficult to tell civilians from combatants; this is a time of civil war.

Not only are there more civilian casualties, there are also more and more large stationary targets that these weapons were designed to attack. Nobody is deploying large armies *en masse* either. As such, cluster munitions are no longer useful in a military arsenal. They also pose a serious problem with respect to ethics and international law.

[English]

That is why Canada, in 2008, joined what are now 111 countries in deciding to comprehensively ban the use of these weapons by signing the Convention on Cluster Munitions. After four years of waiting, we now have Bill S-10, our ratification legislation.

This bill has the potential to be a strong legislative tool to end the use of the weapon. Clause 6, the heart of the bill, lays out clear and unambiguous prohibitions against cluster munitions use. It bans the use, development, acquisition, possession, movement, import and export of cluster munitions. Furthermore — and this is key — subclause 6(f) states that we may not "aid, abet or counsel" other persons to use cluster munitions or perform any of the prohibited acts above.

Yet, this bill is flawed — deeply so, I am afraid. Its promise is undermined by its exceptions, exceptions so broad that you can drive a tank through them. They water down and weaken the treaty, perhaps even critically.

Despite our best intentions, there are provisions in this bill that would allow members of the Canadian Forces to expressly request the use of cluster munitions while in combined operations, such as NATO missions. These are indicated in paragraphs 11(1)(a) and (b). Moreover, paragraph 11(1)(c) grants our Armed Forces permission to use, acquire and possess cluster munitions while on secondment. Secondment means that we fall under the command of the country to which we are seconded and are given roles of command of their troops in their operations.

This is not a meaningful prohibition; this is a half measure, and not worthy of a country that has, for so long, led the world in disarmament.

The policy enshrined in this bill completely contradicts our stance on anti-personnel land mines, of which we are the world leader. It contradicts the spirit of the convention we have signed. It contradicts established Canadian policy and the values that have inspired it.

In a memo dated August 11, 1998, the then Chief of the Defence Staff clearly prohibited Canadian commanders of combined forces from authorizing the use of anti-personnel mines. Likewise, personnel being commanded by foreign nationals are prohibited from using or even planning to use land mines, and contingents may not use, request or encourage the use of mines by others.

That is the precedent; the groundwork is laid. Its origins are in this very city. It is called the Ottawa Convention, where, in 1997, Canada joined forces with civil society in a campaign to ban land mines. It worked. We no longer needed land mines to achieve tactical or strategic objectives or defences.

The same can be said today of cluster munitions. We actually assisted nations in getting rid of their land mines by proving that other systems could be not only as but even more effective than the use of old land mine systems.

Yet, Bill S-10 contains an exception in paragraph 11(3)(a). It would allow Canadian Forces to aid and abet the use of cluster munitions while in combined operations.

It does not make sense to comprehensively ban an immoral, indiscriminate weapon and then turn around and say it is still okay to use them in combined operations. Almost all operations are combined operations, and so we are effectively paving the way for their continued use. We do not conduct operations as a single nation anymore; we conduct them with other nations as part of combined operations, be they under the UN, NATO or even regional authorities.

[Translation]

Honourable senators, there is no doubt that many of these exceptions go beyond what is strictly necessary to ensure the legal protection of our troops engaged in multinational operations. Many of them actually go against the spirit of the convention and may even violate international law.

This bill allows activities that are forbidden by the convention, which is entirely illegal or at the very least morally untenable, thus creating ethical, moral and legal dilemmas for commanders. According to the Vienna Convention on the Law of Treaties:

A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

• (1010)

The object of the treaty in question is clear: it aims to put an end, once and for all, to the use of cluster munitions, and not to try to find ways to help or encourage non-signatory states to use them.

In fact, the convention sets out specific limits to interoperability. Article 21(4), which deals with interoperability, clearly states that nothing shall authorize a State Party to use, transfer, acquire — or request the use of — cluster munitions.

Similarly, Article 19 of the Anti-personnel Mines Convention, to which Canada is a signatory, clearly states:

The Articles of this Convention shall not be subject to reservations.

I would like to be very clear on this, regarding the terms of subparagraph (1)(c) of Article 1, states parties undertake to, never under any circumstances, assist, encourage or induce anyone to engage in any prohibited activity, including the use, requesting the use of, or the transfer of cluster munitions.

Thus, our obligations could not be any clearer. The spirit of the treaty, as I have described it, leaves no doubt in my mind as to the goal of the treaty and the attitude of its signatories in that regard. Canada has a duty to honour its obligations. Canada has made a promise and must keep it.

Honourable senators, may I have five more minutes?

The Hon. the Speaker: Is it your pleasure, honourable senators, to allow Senator Dallaire an additional five minutes?

Hon. Senators: Agreed.

Senator Dallaire: Now we are getting to the heart of the matter. How can we completely prohibit these weapons without giving up key command posts in international operations?

We are told that these exceptions are necessary so as not to compromise opportunities for cooperation between the Canadian Forces and our allies. Honourable senators, nothing could be further from the truth.

Does anyone really think that our decision to not employ cluster munitions will compromise our chances of commanding NATO missions? Do you think that the cluster munitions issue truly had an impact on the decision to appoint Lieutenant-General Bouchard as commander of the mission in Libya? They were looking for the best person to do the job and to do it successfully.

Of the 28 NATO member countries, 20 have already signed the Convention on Cluster Munitions, including France, Germany and the United Kingdom. Even though, as an organization, NATO itself cannot sign disarmament treaties, it has always made a point of honouring and supporting them.

I quote:

NATO attaches great importance to conventional arms control and provides an essential consultative and decision-making forum for its members on all aspects of arms control and disarmament.

At the Bucharest Summit in 2008, the government leaders declared that:

... disarmament ... will continue to make an important contribution to peace, security and stability ... [and] NATO should continue contributing to international efforts in the area of ... disarmament.

This commitment was reaffirmed in 2009 in Strasbourg and in 2010 in Lisbon.

In fact, NATO said that the Convention on Cluster Munitions was an important and relevant initiative for peace and security. Canada is a well-respected leader, and our roles within NATO and the Convention on Cluster Munitions must not contradict each other.

[English]

Honourable senators, as we move towards committee stage, we have a great deal of work ahead of us with this bill. First, we must study Bill S-10 in detail and seek expert advice of not only military and retired military and even veterans of missions but also civil society, which is fast becoming the voice of humanity, certainly on issues of disarmament.

Second, we must address the ethical, legal, and moral issues introduced by section 11. Surely some exceptions will be necessary, but like the Ottawa mine ban treaty, they must be narrow in scope. The question we must ask ourselves is which exceptions are absolutely essential — not necessary, not nice to have, but essential. This should become central to the committee's work.

Third, we should consider drafting prohibitions against financial investment in these weapons as New Zealand and other allies have done.

Fourth, we should enshrine the positive obligations laid out in Article 21 so as to make it clear to allies where we stand with this weapon.

Finally, we should ensure this legislation applies to all Canadians overseas, not only Armed Forces, so Canadians will not be in a position to sell, transport or otherwise aid in the use of these weapons.

Honourable senators, in conclusion, should we fail to pass strong, comprehensive ratification legislation, we will create a precedent that will ultimately undermine the convention, potentially leading to the continued proliferation of these weapons and the destruction of innocent civilians.

In her speech, Senator Fortin-Duplessis vividly described the disproportionate effects that cluster munitions have on civilians. She has told us they cause widespread damage and indiscriminate harm, particularly when used near populated areas. She has told us that they injure, mutilate and, too often, kill innocent people and that 98 per cent — a little high, but still — of reported casualties have been civilians.

When we took the collective decision to ban cluster munitions in 2008, we did so because we believed the harm caused by cluster munitions far outweighs any military advantage they offer. I would submit that this equation does not change in combined operations.

Honourable senators, we must reject the temptation to water down a comprehensive ban on cluster munitions. We must craft our laws to be in accord with our principles. We must rise above narrow self-interest and put the good of humanity above the good of our own tribe. For the sake of civilians everywhere and for our women and men in uniform, we can do no less, and, yes, we can do so without putting our men and women in combat at any higher risk by signing on and passing an appropriate ban on the use of these weapons. I stake my personal military reputation on this fact.

Honourable senators, the world expects Canada to lead. We have led, and it is in that duty that we must continue to lead.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by Senator Fortin-Duplessis, seconded by Senator Demers, that Bill S-10, An Act to implement the Convention on Cluster Munitions, be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Hubley, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the Prime Minister's gallery of the Honourable. Douglas Phillips, Commissioner of Yukon.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

• (1020)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Bob Runciman moved third reading of Bill S-209, An Act to amend the Criminal Code (prize fights), as amended.

He said: Honourable senators, I rise today to speak to this bill, An Act to amend the Criminal Code (prize fights).

The bill updates the definition of prize fighting in section 83. When the current offence of prize fighting became part of the code in 1934, the only exemption allowed was boxing. Much has changed since then, and that is why witnesses told our hearings at the Standing Senate Committee on Legal and Constitutional Affairs that this bill is necessary.

Other combative sports have flourished in the intervening decades, particularly at the amateur level. Mixed martial arts is North America's fastest growing professional sport, yet technically, all of these sports, including some Olympic events, are illegal. Bill S-209 updates the definition of "prize fight" to include an encounter with fists, hands or feet; and it expands the list of exemptions to the offence to include amateur combative sports that are on the program of the International Olympic Committee or the International Paralympic Committee, and other amateur sports as designated or approved by the province, as well as boxing contests and mixed martial arts contests held under the authority of a provincial athletic board, commission or similar body.

It is important to note that this bill is most important to regulatory commissions operating at the provincial and municipal levels.

Honourable senators, these are people who take their job very seriously, who want to ensure all the rules are complied with, and that athletes' health and safety are protected. Their job is more difficult when the law they are dedicated to upholding no longer reflects reality.

The need for this change was demonstrated clearly, but there was another matter top of mind for senators during the committee hearings, and that was the safety of athletes. The committee benefited from the expertise of two experienced ringside physicians who told us about the extensive pre- and post-fight medical tests and examinations that are necessary in these sports, examinations that are conducted and supervised independently, unlike other sports.

The evidence shows that mixed martial arts is less dangerous than boxing and no more dangerous than other contact sports, but there is a risk, no doubt about it. The question is: How do we best mitigate that risk? In my view and in the view of other committee members, proper regulation and supervision is crucial. However, regulators want a more secure legal framework in which to operate, and Bill S-209 is part of that process.

Honourable senators, I ask for your support on Bill S-209. Combative sports are a reality in Canada, and we need the legal framework in place to ensure they are properly regulated.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Runciman, for the third reading of Bill C-310, An Act to amend the Criminal Code (trafficking in persons).

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak at third reading of Bill S-310, An Act to amend the Criminal Code (trafficking in persons).

Bill C-310 makes three important amendments to the Criminal Code. First, it adds the current trafficking in persons offences, namely, sections 279.01 and 279.011, to the list of offences, which, if committed outside Canada by a Canadian or permanent resident, can be prosecuted in Canada. Section 279.01 deals with trafficking in persons, while section 279.011 deals specifically with trafficking in children; that is, minors under the age of 18.

Second, after being amended in the House Committee on Justice and Human Rights, Bill C-310 now affects two other sections of the Criminal Code. Dealing with human trafficking could also result in criminal prosecution in Canada, even if the acts are committed abroad. These are sections 279.02 and 279.03.

Section 279.02 refers to cases in which a person receives a financial or other material benefit knowing that it results from a human trafficking offence. Section 279.03 refers to cases in which a person conceals, removes, withholds or destroys any travel document, such as a passport, that establishes another person's citizenship.

Third, Bill C-310 will amend the definitions of "exploitation" and "human trafficking" to include an interpretive tool for the courts when determining whether or not a person suffers from human trafficking.

[English]

This bill was passed unanimously by the Standing Senate Committee on Legal and Constitutional Affairs, as all committee members were in agreement that this is yet another tool to stop trafficking of people, both for sexual purposes and for servitude labour.

I want to thank Senator Boisvenu, as the sponsor of this bill, and Senator Runciman and Senator Fraser of the Legal Committee for the work they did in guiding the committee on this bill. I am confident that honourable senators will also support this bill and recognize the way in which it protects some of the most vulnerable populations of the world.

Before I proceed, I would like to once again thank Member of Parliament Joy Smith for introducing this private member's bill and drawing attention to this very important issue. I have been working with Joy for several years now and have always admired her commitment to issues of trafficking.

During our committee's study of Bill C-310, we had the pleasure of hearing from Ms. Shirley Cuillierrier of Immigration and Passports from the RCMP. During her testimony, she provided two useful definitions that I would like to share with honourable senators. She stated:

Human smuggling involves the illegal movement of people across international borders with their consent in exchange for payment. More often than not, once they have paid their smuggling fee, smuggled people are set free when they arrive at their destination.

She also defined for the committee "human trafficking." She said:

Human trafficking is a very different crime that involves recruiting, transporting or harbouring people against their will for the purpose of exploiting them, typically in the sex trade or as forced labour.

Furthermore, Mr. Irwin Cotler stated that human trafficking constitutes an assault on our common humanity, being the very emphasis of what the Universal Declaration of Human Rights is all about.

Honourable senators, we are all aware that human traffickers prey on the most vulnerable populations. Throughout our committee meetings, we learned from several witnesses that many Canadians who exploit individuals abroad are not prosecuted, as Canadian law currently does not have jurisdiction to convict these perpetrators in Canada.

Bill C-310 changes this. Bill C-310 assures that Canadians who exploit people in Canada and abroad are brought to justice.

[Translation]

Today, we have the opportunity, as legislators, to create laws that will help to protect the most vulnerable members of our society and that will ensure that no Canadian can exploit another person, whether inside or outside Canada.

[English]

Honourable senators, unfortunately, many victims of trafficking are not provided with a voice to express their experiences and their sorrow and are instead forced to suffer in silence.

For my third reading speech today, I will draw from the testimony offered by witnesses who appeared before our committee, as this will not only shed light on the great work many individuals do on this issue, but it will also provide honourable senators with insight into the harsh realities that many victims of trafficking are forced to face and give a voice to victims who are often silenced.

• (1030)

[Translation]

My goal today, honourable senators, is to help others break the silence by sharing some of their stories. No one should be forced to suffer in silence.

[English]

Honourable senators, I would like to begin by drawing from the testimony of Mr. Brian McConaghy, Founding Director of Ratanak International, whose focus is on relief and development and to eradicate the sex trade in Cambodia. Mr. McConaghy stated:

I come to this issue with 22 years of RCMP experience and 23 years of charity experience in Cambodia. In my dual roles as RCMP member and NGO Director, I have participated in the investigation of Canadian pedophiles who travel overseas targeting trafficked children.

So grave are the conditions of the children involved and so outrageous are the acts committed against them that I was compelled to leave the RCMP in order to serve these children full-time.

I appear before you today as one neither naive nor thin-skinned but rather as one conditioned by decades of exposure to violence. In that context, I wish to assure you that the issue of human trafficking is among the most grotesque and depressing I have encountered.

It is not hard to go to locations in Asia and watch the grooming of children prior to their assault. It is not uncommon for malnourished boys to “willingly” go to the apartment of a western male with promises of Disneyland videos and all—you-can-eat pizza. Some would even characterize such assaults as consensual. However, let it be clearly understood that a child will tolerate just about everything if an empty stomach is the motivating factor. Such activity whereby hunger is used as a tool of control over a child constitutes exploitation. Such are activities of Canadians known to me.

These circumstances do not even begin to describe the activities of hard-core Canadian pedophiles who shamelessly attempt brothels, placing orders for the kind of “product” — age, gender, build — they are interested in assaulting, only to have their helpless victims delivered and locked in rape cubicles to await their fate. It is clear to me that such activities which involve recruiting, transportation, etcetera, constitute human trafficking.

Societies such as post-genocide Cambodia have lost ability to protect their own children. This makes the actions of Canadian predators all the more despicable, for they travel with all the rights and privileges of a Canadian passport. They travel to escape the protective environment provided by Canadian law, medical services and supportive Canadian families. They travel the globe to hunt children that have never known the luxury of such protection.

Honourable senators, I know that after hearing the words of Mr. McConaghy, we would agree that more needs to be done to help ensure that such injustices no longer occur.

Ms. Julia Beazley, a policy analyst with the Evangelical Fellowship of Canada, provided our committee with further insight into this important issue when she stated:

Trafficking in persons is a serious violation of human rights and is reported by the UN to be the fastest growing form of transnational organized crime. The U.S. State Department's Trafficking in Person's Report in 2011 identifies Canada as a source of transit and destination country for men, women and children who are victims of sex trafficking and forced labour. Increasingly, Canadian women and girls are being trafficked for their use in commercial sexual exploitation across the country.

Canada is also a significant source country for child sex tourists, who travel abroad to countries like Cambodia to engage in sex acts with children. In Canada and the U.S., the average age of forced entry into prostitution is about 12 years of age; in countries like Cambodia, it is 5 or 6. This has to stop. Children should not be for sale, not here and not overseas.

Honourable senators, since 2005 we have only had 25 convictions of domestic trafficking. This is certainly not an accurate reflection of the severity of this problem in our country; rather, it is a reflection of our inability to prosecute offenders.

In 1996, Bill C-27, which dealt with child sex tourism, passed through both houses. This bill, similar to the one we have before us today, made all sex crimes against children extraterritorial. Although Bill C-27 received an abundance of support and is strong in principle, it has unfortunately not been effective. In 15 years there have been only five successful prosecutions in Canada on child sex tourists abroad.

[Translation]

In reviewing legislation, it is important that we consider not only the principle and intent of the bill, but also its ability to solve the problems it seeks to address. We must do better.

[English]

The House of Commons Committee on Justice and Human Rights had the opportunity to hear from Ms. Rosalind Prober, who spoke to this issue:

Creating legislation like Bill C-310 is, of course, when it comes to extraterritorial crimes, the easy part. The investigations and prosecutions of our child sex tourists in Canada have been extremely complicated, costly, and a huge investment of law enforcement and prosecutors' time.

Honourable senators, Bill C-310 will assist the police in charging Canadian traffickers who abuse children abroad, and I agree that that is the first step. We all know that charging will not be enough. We need convictions, and for that we need resources.

When our Prime Minister, Prime Minister Stephen Harper, went to Thailand just a few months ago, he gave substantial sums of money on behalf of Canada to help Thai police fight human smuggling. We need the same kind of leadership to combat human trafficking.

Toni Skarica, the Crown Attorney who handled the Hungarian labour case, said that he had to turn to NGOs to help the victims. We cannot just rely on non-governmental agencies. We need to do more.

During our committee study I asked a number of the witnesses what kinds of resources need to be in place to help ensure that this bill would be properly enforced and implemented. I was specifically interested in what types of resources would need to be established abroad to ensure that victims are able to access justice. Unfortunately, I came away from the meetings very disappointed.

In my province of British Columbia we have a few beds set aside by the Salvation Army for victims of trafficking, provided they do not suffer from any addictions. Victims will need more services in order to be able to give credible evidence that will in turn lead to convictions.

Superintendent Cuillierri stated:

RCMP intelligence confirms that Canadians are going abroad to obtain sexual services from women and children in bawdy houses, where human trafficking victims can be found. Providing extraterritorial jurisdiction to Canadian

law enforcement officers so that we may investigate these cases gives police another tool for intervening in these cases and apprehending more offenders.

Presently we have 23 liaison officers around the world who have their plates full with all kinds of issues, including drug offences. Where will the focus of the RCMP be?

It is encouraging to see that there is a national action plan in place. There will be an integrated unit that will focus on trafficking, and \$25 million over four years has been set aside; however, only \$500,000 will be applied to assist victims.

The reality is that we have to address the fact that the demand for sexual services will increase. As Ms. Beazley stated to the committee, "Unless more countries around the world take aim at the demand for sexual services, I expect that that number will not necessarily shrink."

Honourable senators, Hillary Clinton, U.S. Secretary of State, very clearly defined what we have to do to fight trafficking. She stated:

The true test of a country's anti-trafficking efforts is not just whether government has enacted strong laws consistent with that approach, but whether these laws are being implemented broadly and effectively. In short, it's whether they deliver.

Honourable senators, although the majority of human trafficking is closely linked with sexual exploitation, we must remember that forced labour is also considered a form of trafficking and is one that is occurring in our own backyards. For example, in October of 2010, the RCMP arrested 10 people who were running what was referred to as a Hungarian slavery ring. The RCMP in Hamilton, Ontario, described this case as follows:

The allegations were that the individuals were recruited from their home in Hungary to work. These victims were generally poor and out of work in their home country. They were brought to Canada with promises of steady work, good pay and a better life. However, they learned of their fate after arriving . . .

. . . the traffickers controlled their victims including who they spoke with, where they lived and even what they ate. The victims typically lived in the basement of their traffickers and were sometimes fed scraps and leftovers, often only once a day. The victims further alleged that they were taken to construction work sites on a daily basis and made to work long hours without pay.

Unfortunately, according to current Canadian law, a Canadian citizen or permanent resident could set up shop abroad in a country like Hungary and traffic individuals into Canadian soil with little threat of prosecution. Bill C-310 would ensure that this is no longer the case.

Our committee had the opportunity to hear from witnesses who stated that labour trafficking is on the increase. I find this to be concerning, considering that our country is leaning toward issuing work permits at the discretion of the employer, as this may very well lead to an increase in labour trafficking.

• (1040)

On many occasions I have visited the Agriculture Workers Support Centre in Surrey, British Columbia, where support is provided to migrant workers who come to work in Canada under temporary work visas. Unfortunately, much like the victims of trafficking, most of these temporary migrant workers suffer in silence, which is why I am compelled to give them a voice.

Honourable senators, during one of my visits to the centre, I heard numerous stories of mistreatment by employers. One story in particular so stood out for me. The story is about a Mexican man named Benigno who works on a farm in British Columbia. He was tasked with emptying up to 10 25-kilogram sacks of pesticide powder into the hose irrigation system for almost five hours a day without any safety equipment or training. This was a job reserved for supervisors who were equipped with appropriate safety respirators and training.

This prolonged, constant and unprotected exposure to toxic chemicals had significant respiratory health implications for Benigno. When he was sent to the doctor by the employer's liaison, who also acted as a translator, he communicated that he was having difficulty breathing. Not surprisingly, the incident was filed as a private visit and completely unrelated to his work duties. He was prescribed two types of inhalers and was sent on his way.

After enduring this dangerous work for a few months, Benigno returned to Mexico and once again reported to the Mexican doctor in charge of assessing whether he was fit to return to the Seasonal Agricultural Worker Program. The doctor informed him he could no longer work because his lungs were so compromised by the pesticide that he could not continue to meet the physical demands required of a farm worker.

Benigno had no choice; he had to continue working. He had originally come to Canada to find a way to support his family and he wanted to continue working in Canada. Benigno continued to work, and he suffered until he was not able to walk any more.

Honourable senators, hundreds and thousands of workers like Benigno come to Canada each year with temporary work visas. These workers contribute significantly to the Canadian agriculture industry. We eat better and cheaper fruits and vegetables because of their work. Although Benigno may have come to Canada on a temporary work visa, he was indeed exploited while he was here by Canadians who knew that his desperation and his longing to create a better life for his family would compel him to suffer in silence and not seek recourse.

Moving forward, we must remain mindful of the exceedingly vulnerable positions migrant workers are placed in and be proactive in ensuring that they too are not exploited.

Honourable senators, with this bill we will now have laws in place to deal with human trafficking. However, we need to address very seriously the issue of demand for sexual services. We need to very seriously study the strong stand women's organizations and parliamentarians in Sweden have taken to stop prostitution and human trafficking of women, as I believe we can learn a great deal from them.

[Senator Jaffer]

[Translation]

We need to take a holistic approach to this issue and deal with the root of the problem. Let us look at this from an economics angle: this legislation deals with the supply. We should also be dealing with the demand.

[English]

On January 1, 1999, a law was introduced in Sweden that "prohibits the purchase of sexual services." This is ground breaking law as it head-on addresses the root cause of prostitution and human trafficking of people and goes further and looks at the issue of men who assume they have a right to purchase persons for prostitution and trafficking. This is an attempt by the Swedish government to create an equal society where women and girls can live lives free of all forms of male violence. The vision of the Swedish government is that full gender equality should be practised both domestically and internationally, allowing equal participation of men, women, boys and girls in all areas of society.

Honourable senators, in the past, I have worked with many Swedish women's organizations. I commend them for convincing their leaders that a Swedish society that claims to defend the principles of political, economic, legal and social equality for girls and women must absolutely reject the thought or idea that women and girls are objects that can be bought and sold.

There has been a decrease both in prostitution and human trafficking in Sweden. In 1999, it was estimated that 125,000 men bought sexual services and about 2,500 women prostituted one or more times a year. This has now been reduced by 40 to 50 per cent. The recruitment of new women has come to a halt.

The Swedish government has clearly made the policy choice that they would punish only buyers of sexual services and have found it unreasonable to punish the person who sold a sexual service. They were of the opinion that in the majority of cases, the person who sells sexual services is often a victim and should therefore not have to face punishment for having been exploited.

Another lesson we can learn from Sweden is the resources they put in place to ensure that their laws were properly enforced and were effective. They have invested resources in public education, awareness raising campaigns, victim support and enforcement, and a zero tolerance policy for prostitution and trafficking of human beings.

It is also important to note that all Swedish laws are extraterritorial. Therefore, in Sweden, one can be charged, prosecuted and convicted under Swedish laws even when having committed a crime in another country.

Honourable senators, Bill C-310 represents an important first step in our fight against human trafficking. However, this bill will simply be words on a piece of paper if the proper resources are not put in place to ensure that it is enforced and implemented.

[Translation]

The past 15 years have clearly shown us that legislation is not a cure-all for such a complex problem. Our government must provide resources to educate the public and support the victims.

[English]

Honourable senators, many times in this chamber I have mentioned my experience in Abuja, Nigeria, where I worked with young girls from Kaduna, which is located in Northern Nigeria. These girls were going to be trafficked to Italy but were caught by authorities before they left Nigeria. They were later placed in detention, not because of anything they had done, but rather for their protection until the Nigerian authorities could decide how to help them.

Honourable senators, I often think of this one 9-year-old girl who I found to be particularly fragile. She was so frightened that she never once made eye contact with me. I asked her what she missed the most while in detention. She said to me that what she missed the most was being able to play on the street with her 7-year-old and 5-year-old year old sisters. This child was one day playing in the streets of Kaduna with her siblings, and the next day she was being shipped to Italy to work on the streets as a sex worker.

Honourable senators, many of the people being trafficked today are often just children; children who want nothing more than to lead a normal life where they can enjoy playing with their friends and siblings and embracing their childhood.

By agreeing to pass Bill C-310, we would all be taking an important step to help ensure that young children are not exploited and robbed of their childhood. I urge all honourable senators to support this bill.

Hon. Joan Fraser: As Senator Baker would say, I have just a few words.

Honourable senators will be glad to know that I did not realize this item was going to be called today so I have not prepared a long text, but there are three points that I want to make.

The first is to pay tribute to the MP Joy Smith, who has championed the rights of trafficked persons and particularly those trafficked for sex workers.

Hon. Senators: Hear, hear!

Senator Fraser: I would add to that tribute Senator Jaffer, who has been working in this field for years, who knows so much about it, and who knows all the pain that human trafficking has caused.

Hon. Senators: Hear, hear.

Senator Fraser: Human trafficking is really a polite way of referring to modern slavery. We need to take it terribly seriously because it is an immense problem.

My next two points consist basically of trying to reinforce two points that Senator Jaffer made in her excellent remarks. The first is that, as Ms. Smith herself would be the first to admit, this bill is

just one tool and it will not even be as useful as it could be if resources are not put behind it. It takes money and it takes human beings assigned to this work to staunch the flow of humans who are trafficked.

• (1050)

Senator Jaffer referred to the comparatively small number of RCMP liaison officers. We will need more. We will not be able to finance all the work that needs to be done in countries other than Canada. However, there are NGOs out there with whom we can partner and who could put every dollar Canada gives them to good use to save human beings from being enslaved.

I urge the government to give this terrible, terrible problem a high priority in its budgetary decisions.

Finally, I would like to reinforce Senator Jaffer's point, which was first raised in our hearings by the Evangelical Fellowship of Canada and which is profoundly true. In the case of human trafficking for sexual purposes, as long as there is a demand, there will be a supply. Traffickers are, if you will, the merchants, but the customers are the ones who create the demand.

The Swedish system is the only one that has worked, that I am aware of. Various countries have tried simply to legalize prostitution — let everything go. It has not helped. There are still thousands, if not millions, of women and children in those countries, as elsewhere, who are essentially enslaved. The Swedish approach, which was to go after the demand, to go after the customer and to support the person who has been enslaved, does work. Senator Jaffer cited the statistics.

I do not think Canada is quite ready to take that step yet, but, in my view, we will have to one day; we will have to for the sake of all those women and children.

Hon. Consiglio Di Nino: I have just a few comments, honourable senators. I think it is incredible that in the 21st century we are talking about human slavery. This is not a few thousand people but hundreds of thousands of people, unfortunately mostly women and children in the sex trade.

We have to realize that Canada can do only a very small part. We should do whatever we can, but this is a much bigger problem than that.

The international community either gets behind it or, as Elie Wiesel says, we are all guilty of the crime that is being perpetrated against some of the most defenceless people in the world. All it takes is political will. If we need to do this by screaming, yelling and tearing down the barricades, Canada can play a role in doing something about this. We should be ashamed that we are talking about human slavery, and slavery of this nature in particular, in the 21st century.

Hon. Nancy Greene Raine: Honourable senators, I would like to thank Senator Jaffer for the work she has done on this issue. It is so great to see that there is such widespread support in Parliament in general for this issue.

I want to add my thanks to all those people in Canada and around the world who are working as private individuals. I am thinking of the Soroptimist societies that have had this as their personal issue. There are groups all over the world, and they have worked as individuals in helping however they can.

While I agree that we have to do everything possible as a government and as leaders around the world, we also are supported by a vast network of human beings who really care, spread throughout different countries. I would like to pay tribute to them, as well.

The Hon. the Speaker pro tempore: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Boisvenu, seconded by the Honourable Senator Runciman, that Bill C-310, An Act to amend the Criminal Code (trafficking in persons), be read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

FEDERAL FRAMEWORK FOR SUICIDE PREVENTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Salma Ataullahjan moved second reading of Bill C-300, An Act respecting a Federal Framework for Suicide Prevention.

She said: Honourable senators, I previously spoke about my daughter's friend, John. A funny, gentle and positive kid, John was a joy to have around. However, John faced demons that none of us knew about. Recently, John died by suicide. I can still picture his face, his shy smile and his glasses.

At the time I wondered, "Could I have done something to help him?"

This has severely impacted the lives of my daughter and her group of friends. To this day, they have not met together as a group because it is too painful. My daughter did not want to have a birthday party because John would not be there. One of her friends was so distraught that she could not stop crying; she is now in therapy.

Stories like this are not unheard of in Canada; in fact, they are becoming fairly common. Suicide is now the second leading cause of death among young Canadians aged 10 to 24. Are we failing our youth?

In a statement during Mental Health Week, Senator Cowan asked the same question. He pointed out that mental illness is a factor in most suicides in Canada, and that 20 per cent of

Canadian youth suffer from a mental disorder. Senator Cowan also mentioned that positive change begins with one small step by one person.

Honourable senators, today I am pleased to speak on a bill that was introduced by one such person, MP Harold Albrecht. This bill is one small step by one person — a step that will make a huge difference. Bill C-300, an Act respecting a Federal Framework for Suicide Prevention, will create positive change not only for our youth but for all Canadians.

It is astonishing to learn that 10 Canadians die by suicide each day. About 4,000 lives are lost prematurely each year, and that has a severe impact on the family, friends and community of the deceased.

In addition to the high prevalence of suicide among our youth, other groups such as Aboriginal peoples, the LGBT community and veterans are at greater risk relative to the general population.

The suicide rate among Aboriginal youth is five to seven times higher than that among non-Aboriginal youth. Suicide accounts for 22 per cent of all deaths among First Nations youth aged 10 to 19, and 16 per cent among First Nations adults age 20 to 44. The suicide rate in regions of Canada with a high proportion of Inuit residents is 11 times higher than in the rest of Canada.

While there is no way to calculate the loss to families, our communities and our country, there is a significant economic cost involved. It is estimated that for every suicide there are 22 emergency room visits and 5 hospitalizations for suicide-related behaviour. The cost of suicide and self-harm in Canada is more than \$2.4 billion per year.

Honourable senators, suicide is not only a mental health issue or a social issue. This is a public health issue. The preamble to Bill C-300 states that:

... suicide is a complex problem involving biological, psychological, social and spiritual factors, and can be influenced by societal attitudes and conditions . . .

I will repeat: "can be influenced by societal attitudes and conditions."

In a recent survey by Harris/Decima, conducted on behalf of Your Life Counts, it was found that 86 per cent of Canadians did not know that suicide was the second leading cause of death among our youth. Over one third thought suicide was a small problem or not a problem at all. Over 96 per cent of respondents stated that in order to reduce suicide, the topic should be freely discussed without fear or shame. An overwhelming 84 per cent believed that government should invest in suicide prevention.

The first stage of suicide prevention is engaging in conversation. There is a stigma surrounding this issue, one that can be broken by frank and open discussion. As a government, we can no longer hide from this issue but must face it head on. Suicide prevention starts with us.

• (1100)

Canada is one of the only countries in the world without a national suicide prevention strategy in place. There is a need for national leadership and unifying coordination of the great efforts of community groups across Canada.

Bill C-300 requires the Government of Canada to develop a federal framework for suicide prevention in consultation with the relevant nongovernmental organizations, the relevant entity in each province and territory, as well as the relevant federal departments.

I stated earlier that 10 Canadians die by suicide each day, but we are not certain that that is an accurate number. Due to the stigma surrounding suicide, many cases are often unreported.

The idea behind a national framework for suicide prevention is to serve as a central repository, where we will be able to track our statistics and report our progress. Information regarding best practices would be shared to promote consistency among communities, including medical professionals.

Federal coordination and leadership is required for integration on initiatives, programs and services. There is a strong economic case for national coordination, but more than that, it is everyone's responsibility to ensure that more lives are not needlessly lost.

Honourable senators, this is a non-partisan issue. I am sure that everyone in this chamber has been affected by suicide in one way or another. Members of all parties of the other place have voiced their support of this bill, and I believe that here it will be the same. We can all agree that a dialogue and momentum is needed towards preventing suicide.

Dr. David Goldbloom of the Mental Health Commission of Canada stated that:

... the narrowest thinking about suicide prevention—is the barrier on the bridge that prevents the person from jumping off that bridge. There actually is good evidence that putting up those barriers, whether they're on the bridges or in the subways, makes a difference. But it doesn't change one iota what brought that citizen to that point in his or her life when he or she goes to that bridge or subway.

Honourable senators, we need to look at the broader picture. Suicide is preventable through caring, compassion, commitment and community. Action on this issue is imminent and has been long-awaited. Bill C-300 is a catalyst to do just that.

My hope is that Bill C-300 moves quickly through the Senate. The sooner it receives Royal Assent, the sooner we can improve the lives of Canadians.

On a final note, I would like to commend Member of Parliament Harold Albrecht for his hard work and dedication. It is his passion to this cause that has driven this forward. Like Mr. Albrecht, I believe this is not the end of the road but is that vital first step towards hope.

The Hon. the Speaker *pro tempore*: Will Senator Ataullahjan accept a question?

Senator Ataullahjan: Yes.

Hon. Roméo Antonius Dallaire: Honourable senators, we have had 158 casualties killed in Afghanistan. There are still figures being put together, but we are estimating well over a dozen injured veterans, mostly psychologically injured veterans, have committed suicide since their return, principally due, in fact, to their time in combat. That is what the boards are showing.

What authority will the bill have on government departments to implement preventive measures with regard to suicide? Will they be compelled to respond to a central agency or element that will be monitoring this?

Senator Ataullahjan: The bill is being examined now. We are hoping that Health Canada, in cooperation with the Mental Health Commission, will be looking at this. We do realize that, with respect to the suicides amongst the troops that the honourable senator speaks of, we are seeing incidences. They do need the help, and this bill will go towards helping them.

(On motion of Senator Fraser, debate adjourned.)

BREAST DENSITY AWARENESS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Asha Seth moved second reading of Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

She said: Honourable senators, I am pleased to speak to Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue. This bill was introduced in the House of Commons by the Member of Parliament from Barrie and in the Senate by the Honourable Senator Carignan.

Breast cancer is a devastating disease. It presents a significant health concern that touches us all. It touches our grandmothers, mothers, wives, sisters, daughters and aunts. It touches our families and friends. It is the most common form of cancer in women.

Over their lifetime, one in nine women will be diagnosed with breast cancer. This year alone, it is estimated that about 23,000 women will be diagnosed with breast cancer and, sadly, 5,000 of them will die from this disease.

The goal of this bill is to raise women's awareness about dense breast tissue and breast cancer screening. This will help many women and doctors make well-informed decisions regarding breast cancer screening.

I strongly support this bill because it encourages important practices. The bill requires the Government of Canada to assess whether gaps in information exist relating to breast density in the context of breast cancer screening. Also, the bill requires that approaches be identified where needed for improving the information provided to a woman undergoing screening for

breast cancer. This will be done to address the challenges of detecting breast cancer in women with heterogeneous or dense breast tissue, and to raise awareness concerning these challenges.

Finally, the bill requires sharing, through the Canadian Breast Cancer Screening Initiative, information related to practices used to identify heterogeneous or dense breast tissue during screening and any follow-up procedures that may be deemed necessary.

The bill also recognizes the responsibility of provinces and territories for providing breast cancer screening.

Those are very important provisions, and it is valuable for us to discuss this bill. By raising awareness on breast density, Bill C-314 will support Canadians' concern about breast cancer.

Before I address each aspect of the bill, let me first outline how the tissue of breast density relates to breast cancer screening and why this is important. It is important for us all to be aware of the challenges posed by dense breast tissue and that breast cancer screening can save lives. Breast density refers to the amount of tissue in the breast. Dense breasts have more tissue, and this can affect breast cancer screening results. Breast cancer screening is done using a mammogram, which is an X-ray of the breast. Mammograms find breast cancer before signs or symptoms are noticed by women.

• (1110)

However, it is more challenging to detect breast cancer in women who have dense breast tissue. As noted in the bill, both cancer and the dense breast tissue appear white on mammograms, making detection more difficult.

High breast density is also linked to an increased risk of developing breast cancer, although it is not yet known why this is the case.

We also do not know how common dense breast tissue is among Canadian women. Through increased awareness of the risk factors for breast cancer, as well as current detection methods, women and their doctors can make informed decisions about breast cancer screening.

In short, we know that early detection may increase the odds of surviving breast cancer, that it is most difficult to detect breast cancer in women who have dense breast tissue, and that high breast density is also linked to an increased risk of developing breast cancer.

Honourable senators, for these reasons, this bill is important. This bill highlights that raising awareness and building our understanding are valuable tools in the early detection of breast cancer. It acknowledges that everyone has a role to play in ensuring Canadians are equipped with the information and tools to take preventative action.

Provinces and territories provide screening programs for the early detection of breast cancer, as they are responsible for health care in their jurisdictions. Their work includes national data collection on breast cancer.

The Government of Canada facilitates the identification and adoption of effective practices and the sharing of information on screening methods and outcomes through its role in research and surveillance and through its programs and networks. More than ever before, Canadians — individuals, families and communities — are taking an active role in their health, so they need good information to make decisions that are right for them.

As well, honourable senators, many professional associations and organizations play important roles in providing reliable information that supports evidence-based decisions. Canadians need information on what is proven, and they need to understand what is not yet well understood. Only then can they weigh the risks and benefits of different courses of action.

We know that good information is fundamental to the decisions that each of us makes, with the advice of our doctors, about our own health. This dialogue is the key to the doctor-patient relationship.

There have been advances in cancer research, diagnosis and treatment, and Canadian women have benefited from these discoveries. It is important to continue our research endeavors in order to deepen our understanding of breast cancer and its risk factors.

There is much more to learn about breast cancer and dense breast tissue; information gaps still exist. Identifying these gaps is critical to raising awareness and building a better understanding of breast cancer screening and the implications of breast density.

Now that I have outlined the key issues and objectives, let me return to the main elements of Bill C-314 and outline the initiatives currently under way to address them.

The bill before us, honourable senators, calls on the federal government to use existing programs and initiatives to increase awareness among Canadian women and their doctors about breast density and its implication for breast cancer screening. It also encourages the identification of information gaps and approaches to improve the information provided to women, as well as the sharing of information and best practices through the existing Canadian Breast Cancer Screening Initiative.

The federal government has taken steps towards identifying gaps in the information currently available around breast cancer. This includes breast cancer screening and issues around breast density.

The Government of Canada is funding, through the Canadian Institutes of Health Research, or CIHR, a number of research projects to examine all aspects of cancer prevention and control. The early detection of cancer is one of the CIHR's priorities, and CIHR is currently working with partners in Canada and around the world to advance this and other priorities.

CIHR's Institute of Cancer Research supports researchers and scientific discoveries regarding all types of cancer, including breast cancer. For example, the institute is exploring a partnership with the Canadian Breast Cancer Foundation for

research on early detection. This research helps find more effective treatment and prevention strategies to tackle breast cancer and, by investing in research, we can find solutions.

Scientific research leads to better understanding of breast cancer, including breast density and enhanced screening practices. Research and information is a key part of raising awareness of breast cancer screening and the implication of breast density.

Bill C-314 will help ensure that women and their families have the information they need to support them in taking a more active role in their health.

This brings me to the second element of the bill, which requires that approaches be identified to improve information for women to address and raise awareness about the challenges of detecting cancer in women with dense breasts. Increasing women's awareness of the implication of dense breast tissue for breast cancer screening is important. Women and their doctors will be in a better position to make decisions about their health.

While Bill C-314 puts raising awareness of breast density at the forefront, it also recognizes the responsibility of provinces and territories for providing breast cancer screening. It acknowledges and builds on the role of provinces and territories. The bill encourages learning from existing initiatives in a way that informs future activities and decisions related to early detection of breast cancer.

In Canada, we are fortunate to have screening programs for breast cancer. Provincial and territorial breast screening programs are invaluable in the early detection of breast cancer in Canadian women.

The role of the federal government in breast cancer screening is also highlighted in the bill. The federal government facilitates the identification and adoption of effective practices in its screening.

In addition, the federal government supports the sharing of information on screening methods and outcomes through its research and surveillance initiatives. More specifically, the Government of Canada will raise awareness about breast density and its implication for breast cancer screening through the Canadian Breast Cancer Screening Initiative.

This initiative examines such issues in support of national standards for prevention, early detection and screening. Through it, the federal government is working with the provincial and territorial governments to measure screening program performance nationwide and develop better screening approaches.

Through the Canadian Breast Cancer Screening Initiative, all jurisdictions share information, and they are doing so on a regular basis. They are engaging in numerous discussions about what works best and about the challenges they are facing. In doing so, the Canadian Breast Cancer Screening Initiative contributes to the overall improvement of screening practices throughout this country.

Bill C-314 supports this good work already under way. At its core, the bill is about information gathering and sharing. The end result is the provision of good information about all aspects of breast cancer screening for all women.

The third element of the bill relates even more directly to the Canadian Breast Cancer Screening Initiative. The bill requires the sharing, through the Canadian Breast Cancer Screening Initiative, of information and practices used to identify dense tissue in relation to cancer screening and approaches to follow-up procedures. Sharing information about ways to improve cancer screening programs ensures women receive the full benefits of early detection, including information about all aspects of breast cancer screening. That is why, honourable senators, the government established the federal, provincial and territorial National Committee for the Canadian Breast Cancer Screening Initiative to facilitate a collaborative and collective assessment of breast cancer screening programs.

• (1120)

I want to point out that the national committee also works closely with medical professionals and other stakeholders. In using the knowledge gathered by the Canadian Breast Screening Initiative, the national committee is able to have discussions that are resulting in the development of breast cancer screening recommendations and protocols. The work of the national committee ultimately leads to improved practices at the ground level, where the screening is done.

For example, among other things, the national committee is currently looking at breast cancer mortality and improving screening for underserved populations. In addition, the federal government is promoting education and makes information resources available to communities across Canada through the Community Capacity Building Program, which is a key component of the Canadian Breast Cancer Initiative.

The Community Capacity Building Program supports organizations, provinces and territories networking with community breast cancer groups. This cross-Canada collaboration enables the sharing of best practices and ensures that information and supports are available for women with breast cancer.

Underpinning all this good work already mentioned, the Canadian Breast Cancer Screening Initiative established a national repository on breast cancer screening. Provincial and territorial screening programs provide information on breast cancer screening to the Canadian Breast Cancer Screening Database. This database is used to monitor and evaluate breast cancer screening programs. It is a source of valuable information on breast cancer screening. These initiatives and actions are helping to build awareness to understand the effect of breast cancer screening, survival rates and other important issues.

Honourable senators, this brings me to another piece of the whole picture. It is equally important to share knowledge through health organizations. The bill acknowledges that cancer prevention is everyone's business and requires action at all levels. The government recognizes that non-governmental organizations play a vital role in raising awareness on breast cancer issues.

Honourable senators, I am pleased that the government is taking action on cancer through continued investment in the Canadian Partnership Against Cancer. In March of this year, the Prime Minister announced renewed funding of \$250 million over

five years for the Canadian Partnership Against Cancer. This will provide stable funding until April 2017 and will allow the partnership to continue its important work of providing information to women on cancer screening. The partnership is the first organization of its kind. It is an independent organization funded by the federal government to accelerate action on cancer control for all Canadians.

The Canadian Partnership Against Cancer was established to implement the Canadian Strategy for Cancer Control, which identifies eight priorities: primary prevention, screening and early detection, standards, cancer guidelines, the cancer journey, health human resources, research, and surveillance.

The Canadian Partnership Against Cancer works with cancer experts, charitable organizations, governments, cancer agencies, national health organizations, patients, survivors, and others across Canada to generate new knowledge and accelerate the use of effective cancer prevention and control strategies. The partnership's objectives include the reduction of the overall number of cancer cases in Canada, the reduction of cancer-related deaths, and the improvement of patients' quality of life.

Honourable senators, the partnership plays a key role in providing information to women and increasing awareness of cancer screening, which aligns with the spirit of Bill C-314, the proposed breast density awareness act.

The Canadian Partnership Against Cancer is about people making a difference by working together and learning from each other so that Canadians, no matter where they live, benefit. The bill also recognizes the important role of health organizations such as the Canadian Cancer Society and the Canadian Breast Cancer Foundation in providing reliable information that supports women in making decisions about their health.

As I have noted earlier, we all have to work together if we are to improve breast cancer screening, especially when faced with the challenges of detecting breast cancer in women who have dense breast tissue.

The Canadian Cancer Society is a national volunteer organization that works in cancer prevention, research, advocacy, information and support for all cancers. The society actively works to raise funds and awareness in the fight against breast cancer.

The Canadian Breast Cancer Foundation is a national volunteer organization dedicated to working towards a future without breast cancer. The foundation funds, supports, advocates for research, education and awareness programs, early diagnosis, effective treatment, as well as a positive quality of life for those living with cancer.

In addition, the bill also highlights the work of women's health organizations such as the Canadian Women's Health Network. Women's health organizations also contribute to raising awareness of Canadian women about the many health issues they face every day. These health issues certainly include breast cancer.

Whether it is Breast Cancer Awareness Month in October or Run for the Cure or another of several charitable activities, awareness about breast cancer is pivotal every day of the year for the thousands of Canadians who benefit from it.

Honourable senators, this is not something anyone or any organization can do alone. It requires a collaborative and sustained effort over time among many players — cancer experts, charitable organizations, governments, cancer agencies, patients, families and communities, among others.

With all of us working together, we can improve screening and early detection and provide important information to women, doctors and Canadians.

The strength of Bill C-314 is the focus it puts on the issue of dense breast tissue. Working with breast cancer stakeholders, the federal government will continue to raise the awareness of women and their doctors through existing initiatives on the issue of breast density in the context of breast cancer screening.

Bill C-314 is a positive step forward. It seeks to leverage existing initiatives to advance information sharing and knowledge exchange about the challenge dense breast tissue poses to breast cancer screening.

Let me summarize. Bill C-314, the breast density awareness bill, would require the Government of Canada to use its existing programs and initiatives, and within its jurisdiction, to encourage the identification of any gaps in the information regarding breast density issues; the identification of approaches to improve the information provided to women about breast cancer screening among women with dense breast tissue; and the sharing of information through the Canadian Breast Cancer Screening Initiative about breast cancer screening among women with dense breast tissue.

In conclusion, the bill provides an opportunity for the Government of Canada and Parliament to recognize the critical importance of raising awareness about breast density and breast cancer screening by aligning with the strong collaborative nature of current cancer action in Canada. Women, doctors and their families will benefit. Through efforts to raise awareness, Canadian women and their families can become more informed about breast cancer.

• (1130)

They will learn about breast density and its implication for breast cancer screening. They will be able to make well-informed decisions based on this knowledge.

Honourable senators, by passing this bill, we can ensure that awareness is raised about breast cancer screening for women with dense breast tissue. Too many families have been touched by this form of cancer. I am hopeful that this bill will help women detect breast cancer earlier, potentially saving lives in the future. For these reasons, I strongly encourage all honourable senators to support this bill.

(On motion of Senator Fraser, for Senator Merchant, debate adjourned.)

ABORIGINAL PEOPLES

BUDGET—STUDY ON THE EVOLVING LEGAL AND POLITICAL RECOGNITION OF THE COLLECTIVE IDENTITY AND RIGHTS OF THE MÉTIS— SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Aboriginal Peoples (supplementary budget—study on evolving legal and political recognition of the collective identity and rights of Métis in Canada), presented in the Senate on June 21, 2012.

Hon. Dennis Glen Patterson moved the adoption of the report.

Hon. Joan Fraser: Honourable senators, I wonder if Senator Patterson could explain in a few words what this is about.

Senator Patterson: Honourable senators, the Standing Senate Committee on Aboriginal Peoples has undertaken — for the first time in the history of the Senate, as I understand from our long-time chair, Senator St. Germain — a study of the Metis people of Canada. The subject of the Metis has been examined tangentially in reports, but this study looks specifically at their evolving legal and political recognition and their identity.

The report that is before the Senate today would adjust the fact-finding travel of the Senate committee and would allow us to accept an invitation we have received to attend an important national meeting in the Metis homeland at Batoche this summer. It is to approve and adjust the travel budget of the Aboriginal Peoples Committee to do fact-finding and visit Metis people where they live.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON EAST AND WEST COAST NAVY AND AIR FORCE BASES—SEVENTH REPORT OF COMMITTEE OR ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Security and Defence, (budget—study on Canada's east coast and west coast navy and air force bases—power to travel), presented in the Senate on June 21, 2012.

Hon. Pamela Wallin moved the adoption of the report.

Hon. Joan Fraser: Could the honourable senator tell us what this is about, please?

Senator Wallin: Yes, honourable senators, this is a budget request for travel to both the East and the West Coasts of this country by the Defence Committee. We met with the Internal Economy Committee two days ago and this travel was approved.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

Hon. Roméo Antonius Dallaire: Honourable senators, I come with this inquiry with not only personal experience, but also in the capacity of being a senior fellow at the Carr Center for Human Rights Policy at the Kennedy School at Harvard, where we have been engaged in assisting the Obama administration to bring in new direction from his office in regard to the prevention and elimination of mass atrocities; and as a senior fellow at the Montreal Institute for Genocide and Human Rights Studies at Concordia University, which produced the report entitled *Mobilizing The Will To Intervene: Leadership and Action to Prevent Mass Atrocities*. Again, the Obama administration has acknowledged that report and we have met with the Minister of Foreign Affairs to discuss.

Finally, I come to honourable senators as a member of the United Nations Secretary-General's Office of the Special Advisor on the Prevention of Genocide, with colleague Garth Evans, who is the lead in the "responsibility to protect" concept, and also Desmond Tutu, who has been one of our primary advisers.

I bring honourable senators a bit of history. I will go further than CNN history, which is last week, and take honourable senators to 18 years ago when, in the first days of the commencement of conflict in Rwanda, nations sent in reconnaissance parties to look at the situation and to recommend to their nations whether or not they would intervene in stopping this catastrophe. As no one had intervened, no one responded to the calls for the prevention of this previous to that date.

They all responded that they would not recommend sending in forces because nothing there worthy of their intervention. There were no strategic resources — oil or so on — and the country was not in a strategic location. All that was there were human beings, and there were too many of them anyway; it was overpopulated. The human dimension did not sway any of the decision-makers of the world in any of the 191 countries of the world.

On April 28 of that same year, three weeks into the genocide, with approximately 175,000 bodies floating in the rivers and in various fields, I got a call from the military adviser to the Secretary-General. At that time, it was General Baril, a Canadian,

who essentially told me that the cavalry was not going to be coming over the hill and that the UN had pulled out 2,100 of my troops, even though I had submitted a plan of reinforcement to stop the genocide. We were essentially left to our own devices, and no one wanted to engage in the plan, although the UN had accepted the plan.

The genocide was called such on May 17, which was six weeks into the genocide, and by then there were close to 400,000 bodies and nearly 3 million internally displaced refugees. Although the Security Council did approve that finally I would be reinforced to stop the killing and the movement of people, no country came. Not one country responded during the genocide. Only after the fact did we actually throw nearly \$2 billion in humanitarian aid to help the nearly, at that time, 4 million refugees and internally displaced people.

• (1140)

This was an inability to respond. Even though there were countries in Africa prepared to send troops, they did not have the means to get there or the equipment to be employed. In fact, they even refused to give us ammunition to be able to intervene. That inability to respond was reflective of the time of the post-Mogadishu/"Black Hawk Down" scenario where American soldiers were dragged through the streets. There was the complete reversal by Bill Clinton of wanting to engage in any humanitarian effort, particularly if there was a risk of casualties. There was no self-interest there, except human beings.

In 1996, Prime Minister Chrétien agreed and launched a team in order to go into the eastern Congo and attempt to bring back the nearly 300,000 refugees who were under attack and get them back into Canada. Canada was leading a mission that ultimately failed. It failed because, one, it was not there in time; and, two, we did not have the capacity to lead that mission, both in intelligence and strategic lift. As such, many of the countries that could have provided assets did not do so.

In 2005, Senator Jaffer and I, with Ambassador Fowler, were called to Prime Minister Paul Martin's office to have a meeting with the then-Chief of the Defence Staff and some of his principal staff to look at what we would do with Darfur, where over 2.5 million people were under attack at that time. They were being killed, murdered and raped. The African Union was attempting to deploy forces to stop the slaughter.

The meeting was ad hoc as there was no planning available at National Defence, Foreign Affairs or even CIDA to respond to a mass atrocity and how we would engage, with whom, with what assets, through the UN or a regional power. Since then, we have been able to lead the way in advancing our concerns in that regard and trying to respond.

The approval in September 2005 of the "responsibility to protect" concept has been a guide, if not a doctrine, to try to respond when we see massive abuses of human rights within a nation state. It has been used a couple of times in Côte d'Ivoire. It was used even after the Kenyan elections a few years ago when four genocidal radio stations were launching ethnic disasters. It was used — although not called such — in Libya and to great success.

With those tools there, the question is: How well have we actually operationalized our ability to respond to not only the crisis of mass atrocity and potential genocide but how are we going to prevent them, that is to say, to build a credible capacity to deter people from wanting to go that route within a nation state?

Let me read some of my notes in this regard. When I spoke in May on Canada's commitment to the prevention and elimination of mass atrocities, I knew I was not speaking alone. I knew I was speaking to the same concerns shared by many honourable senators and fellow Canadians.

Today, this is even clearer to me. Senators from both sides have spoken out and reinforced what I already knew to be true. As Canadians, we are deeply affected by what happens to our fellow citizens across the globe. We are deeply affected when human beings of flesh and blood like us are stacked on the sides of the roads like cord wood, when mothers and daughters are systematically raped as a means of warfare, and when families are bombed out of their homes and left exposed to disease and starvation. We are deeply affected because we know that this is not about images on the screen or words on pages; it is about real people whose eyes you can look into.

I want to thank Senator Eggleton for his insightful comments and particularly Senator Segal, the internationalist and humanitarian that he is, for his support and perspective on this subject.

I want to particularly mention Senator Jaffer, who gave us — not because it was emotional — a reality check of how there are Canadians who have lived through these catastrophic scenarios and have been affected by them. Those scenarios could have been abated, if not even prevented, if we had had the will and the capabilities at the time to respond to them.

I want to recognize them and I would like to recognize the other Canadians who have stood together in the midst of unimaginable suffering and depravity in Rwanda, Kosovo, Sudan, the Republic of Congo, Libya, et cetera, and who are still there, both in uniform or as civilians, diplomats, development people, humanitarians and members of NGOs.

[Translation]

Honourable senators, the message is clear: it is absolutely imperative that we immediately increase our capacity to prevent and eliminate mass atrocities. This is both a moral duty and a practical responsibility.

We can take concrete action and use the benefit of our knowledge to reduce the likelihood of mass atrocities as much as possible. When this is not possible, we must act as quickly, effectively and decisively as possible.

To this end, we must develop, within our institutions, a framework for preventing and eliminating mass atrocities. Some countries have already undertaken this task and we can thus benefit from their expertise.

The Interagency Atrocities Prevention Board in the United States has already been mentioned in this regard. In the end, however, we will have to determine what works best for us. One thing is clear: our primary objective must be prevention, and not just reaction.

Honourable senators, prevention does not help when atrocities are taking place. When we start counting the number of casualties, it is already too late. We have to look at the root causes of violence and instability in order to prevent them.

To attack these root causes, we need a coherent policy that goes above and beyond our diplomatic and military capacities, a policy that uses diplomatic leverage, development projects and security intelligence data. All this is essential for anticipating catastrophes.

With regard to development and capacity building, we have to be aware of countries' internal dynamics, not only in terms of economic potential but also in terms of social and political dynamics. In other words, we have to be aware of the unresolved grievances and social divides that are lead to repression and massive outbreaks of violence.

In addition to capacity building, we have to make the most of all of the early warning mechanisms available to us. We have a lot to gain from direct contact with NGOs. They know the situation on the ground. They are the eyes and ears of the world.

The same goes for our diplomats, who, in addition to disseminating Canadian values and fulfilling their missions under the UN or regional, intraregional or bilateral authorities, can make good use of their intimate knowledge of the local political and social situation to sound the alarm.

Even when there is an information shortage, we still have options. The Canadian Security Intelligence Service is responsible for investigating and reporting on threats to Canada's security, including terrorism, the proliferation of weapons of mass destruction, espionage and information security breaches.

The Hon. the Speaker *pro tempore*: Order. Honourable senators, Senator Dallaire's time is up.

Senator Dallaire: I would like five more minutes, please.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to grant Senator Dallaire five more minutes?

Hon. Senators: Yes.

• (1150)

[English]

Senator Dallaire: That brings me to my recommendations, which is probably more appropriate at this time.

Let me walk through the recommendations with regard to this inquiry, which I hope is passed so that I can return to the Minister of Foreign Affairs to seek his support and his advice on implementation.

Last month I began by giving an overview of the big picture detailing the growing significance of mass atrocities in international peace and security and the impact that it has on us, as a nation, including right down to the municipal levels where diasporas are being dragged into some of these complex scenarios. Today I wish to give you a few specific recommendations on how we might move this agenda forward.

First, I recommend that the Prime Minister should make the prevention and elimination of mass atrocities a national priority. President Obama is looking for that support in this initiative that he has taken within his country. This will send a message about the seriousness with which Canada approaches the issue of mass atrocities, and it will allow us to take advantage of our unique opportunity to engage strategically with the U.S. government on this shared priority.

Second, we need an international security minister in the cabinet, or an analogous position with a clear mandate, who can assume ownership and take responsibility of directing timely and decisive responses to situations of mass atrocities when necessary. We created a capability when we were engaged in a conflict to assist a nascent democracy to bring good governance, rule of law, human rights and gender equality in the case of Afghanistan, but in the case of these atrocities, that capability has been brought neither to fruition nor to their attention.

As Senator Segal suggested, this individual, this position, could be a senior appointee who could coordinate an inter-agency group consisting of, as a starting point, National Defence, the Department of Foreign Affairs and International Trade and CIDA.

Third, the Parliament of Canada could convert the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity into a standing joint committee. We are all aware of the importance of parliamentary committees in pursuit of national goals, yet prevention and elimination of mass atrocities is addressed through a disparate group of parliamentary committees, which ultimately leads to a fragmentation of efforts. If we are to pursue seriously the prevention and elimination of mass atrocities, we need a permanent committee with an exclusive mandate to monitor areas of concern and study the prevention and elimination of mass atrocities and look at contingency plans.

Fourth, we should develop specialized training and operational standards to guide our Armed Forces. The work we have been doing out of Harvard has now been adopted by the U.S. army, and they are including it in their doctrine. A coherent policy will help us avoid the use of our Armed Forces unnecessarily and at risk and even the fear of their use; but, should the occasion arise where we are called upon to use robust force even beyond what was employed in Libya, it is of the utmost importance that our men and women in uniform are specially trained and prepared to respond in a secure and effective manner to this very complex situation where the civilian population of a nation is both the target and the element that must be protected.

Fifth, we need to promote public dialogue on the role of Canada in the prevention of mass atrocities. The government should take part in and host discussions in the public domain on the roles that we, as Canadians, will take in the prevention of

mass atrocities. It is only by coming to a common understanding of our stance that we can truly move forward in a unified, cohesive manner and not continue to crisis manage ad hoc and, hopefully at times, even learn lessons.

Sixth, and last, I want to end with a recommendation that is readily achievable and that will take us a great deal forward. A few weeks ago, on May 30, the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity, chaired by myself, with as vice-chairs MPs John McKay, Megan Leslie and Chris Alexander, brought in Dr. Simon Adams from the Global Centre for the Responsibility to Protect in New York City to speak about a project that is being undertaken for permanent missions in the UN to implement a centre of government efforts within governments in order to coordinate between willing governments the ability to respond to these crises.

I am out of time and I thank you for your attention.

The Hon. the Speaker: Honourable senators, Senator Dallaire has exercised his right of final reply, and this inquiry has now been debated.

(Debate concluded.)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, if I might interrupt, I wish to draw your attention to the presence in the gallery of a distinguished visitor in the person of Ms. Thérèse Bishagara, who is from Rwanda. She is the guest of the Honourable Senator Dallaire.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATE REFORM

INQUIRY—DEBATE ADJOURNED

Hon. Hugh Segal rose pursuant to notice of June 5, 2012:

That he will call the attention of the Senate to the reasons that democratic reform of the Senate is:

- (a) essential to Canada's future as a robust and effective federal state, with respect for fundamental freedoms and the supremacy of the rule of law;
- (b) reflective of the values of fairness, cooperation and confederation; and
- (c) consistent with the objective of providing pan-Canadian public policy at the federal level.

He said: Honourable senators, I defer to the Honourable Senator Brown.

Hon. Bert Brown: Honourable senators, I speak regarding Inquiry No. 46. I start, colleagues, with a question. When I came to this chamber there were 19 Conservatives and about 77 Liberals. The Prime Minister allowed 18 vacancies to accumulate before a Liberal senator moved a motion to force the Prime Minister to fill the vacant seats. Suffice to say, he did.

My hope was, and is still, to have democratic elections for both sides of this chamber, and I have engaged in conversations on this topic with a good number of senators on both sides of the chamber over the five and a half years since my election by the people of Alberta. Quite a few Conservatives are in favour of future elections, but only one Liberal.

Honourable senators, we now have 58 Conservatives, 3 vacancies — and one more next week — and 41 Liberals. Before the next federal election there will be at least 10 vacancies because there are only two caucuses in this place. When 10 Liberals retire, they will likely be replaced by 10 Conservatives. We will then have 71 Conservatives and 31 Liberals.

My hope when I went to work on convincing the parties that the people of Canada want to elect their future senators was that there would be a balance over time. When the Liberals were in power, there was no balance. Now the numbers are heading towards another imbalance.

Regarding Conservatives over Liberals, so far I have not convinced the Liberals to embrace the idea of electing future senators. The people of Canada, the voters, have not changed their minds. They want to elect senators, on average 75 per cent across the country, with the lowest support at 68 per cent and the highest at 80 per cent.

The first Liberal province will hold a senatorial election at the end of the year. The voters will not change their minds anywhere in Canada.

• (1200)

When will my Liberal colleague realize that the Prime Minister has said, as I have repeated many times, that when a province has a law on electing senators and intends to hold a Senate election, the Prime Minister will wait for the outcome before filling the vacancy?

When the Prime Minister was first elected, he said in a meeting with about 20 senators, some of whom are now in this chamber, that he wanted a democratic Senate with a fixed term.

On page 7 of The Constitution Act, article 22 is headed, "Representation of Provinces in Senate," before listing the number of senators to represent each province. We are here to represent provinces, not the party of the Prime Minister of the day or the Leader of the Opposition. For those who believe this effort will not win, turn to page 75 of The Constitution Act, paragraph 47(1), and read it carefully until you understand the ramifications.

Honourable senators, I will end my inquiry by asking: When we debate these bills today or for weeks or months, will the results of voting have changed? No. Only with an elected Senate will the votes have a chance to change. Until then, we will be led.

The Hon. the Speaker: Honourable senators, is it agreed that this inquiry remain standing in the name of Senator Segal? [Translation]

(On motion of Senator Segal, debate adjourned.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF MANAGEMENT OF GREY SEAL POPULATION OFF CANADA'S EAST COAST

Hon. Fabian Manning, pursuant to notice of June 20, 2012, moved:

That, notwithstanding the order of the Senate adopted on October 20, 2011, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on the management of the grey seal population off Canada's East Coast be extended from June 30, 2012 to December 15, 2012.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 26, 2012, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, June 26, 2012, at 2 p.m.)

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(HANSARD)

Tuesday, June 26, 2012

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Tuesday, June 26, 2012

The Senate met at 2 p.m., the Speaker in the chair.

[English]

Prayers.

SENATORS' STATEMENTS

ELLIOT LAKE

ALGO CENTRE MALL ROOF COLLAPSE— EXPRESSION OF SYMPATHY AND SUPPORT

Hon. Marie-P. Charette-Poulin: Honourable senators, I rise today to express my support for the residents of Elliot Lake and its mayor, Rick Hamilton, as the rescue effort resumes in the wake of Saturday's disastrous roof collapse at the Algo Centre Mall. My condolences go to the family and friends of the person who died in this tragedy, and my thoughts and prayers go out to those who were injured and to those whose loved ones are still missing.

I share Premier Dalton McGuinty's sentiment that "we owe it to the families waiting for word of their loved ones to leave no stone unturned." I commend him for his compassionate response and for intervening after emergency crews were pulled from the site on Monday. The Premier has urged officials to explore every avenue, including the use of extraordinary measures, in the resumption of the rescue effort.

[Translation]

Honourable senators, Bob Rae, leader of the Liberal Party, made the following statement today about the ongoing rescue efforts in Elliot Lake, Ontario:

The residents of Elliot Lake should know that they are not alone. The collapse of the Algo Centre Mall has gripped the entire country, and our thoughts and prayers are with the family and friends of those who perished or remain missing.

This is a catastrophe of unimaginable proportions for a small community, the impacts of which will be felt long after the attention fades.

On behalf of the Liberal Party of Canada and our parliamentary caucus, we commend the leadership of Mayor Hamilton and Premier McGuinty and strongly support any federal assistance that can be provided both in the immediate rescue effort and in helping the community deal with the aftermath of this disaster. Finally, and above all, we salute the courage and resilience of the rescue workers and volunteers who are working under difficult and dangerous circumstances in the service of their community.

Honourable senators, we are witnessing the remarkable, indomitable spirit of Elliot Lake — a spirit that reflects its roots as a former mining town. We are seeing a strong and caring community rally together in support of each other. I am particularly struck by the willingness of former miners and mine emergency workers to go into the collapsed structure to attempt a rescue, in spite of the great personal risk they would be taking. This conviction was echoed last night as the crowd kept vigil near the mall and chanted: "Rescue missions never end; save our family and friends."

Honourable senators, in all your names I offer my heartfelt hopes and prayers for continued strength for the people of Elliot Lake and its mayor, Rick Hamilton, as this situation unfolds.

BOMBER COMMAND

RECOGNITION OF CONTRIBUTIONS

Hon. Joseph A. Day: Honourable senators, I would like to bring to your attention another page in the Bomber Command history that I have spoken about in the past. Late June will become known as the period when we recognize Bomber Command because of a number of campaigns for recognition that have come together just in the last while.

I first want to tell honourable senators about a monument that friends of Bomber Command have placed in the southern part of England. It is just going up and being unveiled. Just imagine those large Lancaster and Halifax bombers, with the four big engines as they were taking off; and the last bit of land they would have seen before they went off on their mission. There is a monument being created there.

Later this week, the Queen will be unveiling a monument at Green Park, near Buckingham Palace, to recognize the special and unique contribution of Bomber Command.

Honourable senators will recall that over 10,000 Canadians died serving in Bomber Command and that at one time we had over 50,000 Canadians in uniform serving in Bomber Command during the Second World War. There has been a request for the last 67 years for some special recognition.

Yesterday, the Minister of Veterans Affairs and the Minister of National Defence announced a new honour to recognize Bomber Command. I think that is a wonderful announcement, honourable senators. There will be a bar for those who served in Bomber Command to be worn on the medal that all members of the army, navy and air force receive, which is called the Canadian Volunteer Service Medal.

This is a wonderful bit of good news for Bomber Command.

Hon. Senators: Hear, hear.

THE SENATE

Tuesday, June 26, 2012

TRIBUTE TO DEPARTING SENATE PAGES

The Hon. the Speaker: Honourable senators, before calling for tabling of documents, I would like to have you join in saluting some of our departing pagers.

[Translation]

Jonathan Côté was born in Hawkesbury, Ontario, and grew up near here in L'Orignal. He just graduated from the University of Ottawa with a double major in political science and criminology. He was a member of the Senate Page Program for two years. Jonathan is starting a master's degree in criminology at the University of Ottawa in the fall.

Maria Langlais was born in Cloridorne, Quebec, and spent her teenage years in Beresford, New Brunswick. This year, she graduated from the University of Ottawa with a degree in international studies and modern languages. Maria plans to pursue new career opportunities this summer.

[English]

Marjun Parcasio, who was born in Manila, Philippines, and grew up in Edmonton, Alberta. Marjun will be entering his final year at the University of Ottawa, where he is working toward a joint honours degree in history and political science.

Marjun was recently selected as a recipient of the prestigious Killam Fellowship and, as such, will be studying at the American University in Washington, D.C. this fall.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

NISGA'A FINAL AGREEMENT—
2009-10 ANNUAL REPORT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009-10 Nisga'a Final Agreement Annual Report.

[Translation]

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

TWELFTH REPORT OF NATIONAL FINANCE
COMMITTEE PRESENTED

Hon Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

The Standing Senate Committee on National Finance has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1410)

[English]

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

CHANGES TO EMPLOYMENT INSURANCE

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate.

It is not clear to the four Atlantic premiers, who represent three political parties, what exactly this government has in mind when it comes to EI reform. The message from them has been loud and clear. They are concerned, and they were not consulted. I find this rather shocking, considering the potential impact these changes will have on the Employment Insurance program and the effect they will have on the finances of the Atlantic provinces.

In response to the comment by the premiers, during a joint news conference on June 6, the Minister of Human Resources said she is open to hearing their concerns and taking them into consideration, and I am hopeful that she will do that.

We know that the premiers were not consulted beforehand. Will the leader provide a list of organizations and individuals who were consulted in the development of these proposed amendments to the Employment Insurance program?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Again, as I have indicated in this place before, I do believe that many of the changes the government is seeking to bring in are being brought in primarily to make sure that the EI system is fair and responsible and also takes into account local labour needs and demands.

Our top priority, of course, as I have repeatedly said here, is the economy. I have also indicated that we are very proud of the fact that Canadians and Canadian industry and business have created 760,000 new jobs since July 2009.

We recognize that some Canadians are having difficulty finding work, particularly in parts of the country where there are seasonal jobs. We are working to help those Canadians find jobs in their local areas that are appropriate to their qualifications. For those who are unable to find employment, the EI system is there, as it has been and will be into the future, to be of help to them.

One of the government's initiatives is to make sure that our citizens have the proper training so they can fill the jobs where there are many jobs wanting, because we have labour shortages all over the country.

With regard to the honourable senator's comments about the premiers, Minister Finley made it clear that she is very interested in the premiers' remarks and is open to what they have had to say.

With regard to the honourable senator's specific question, a massive budget consultation was undertaken by all ministers of the government, but primarily by the Minister of Finance, the Minister of State for Finance and all the ministers who participated in the budget implementation bill. These meetings were held across the country. They met with many stakeholders at town hall meetings.

As much as I would like to provide the honourable senator with a long list of the people who were consulted, I doubt very much that is completely possible. However, to the degree that I can provide some information, I will be happy to take that portion of her question as notice.

Senator Callbeck: I thank the leader. I certainly look forward to seeing who was consulted. As I said, I was really shocked that the premiers of the four Atlantic provinces had not been asked for their advice and input on this issue.

My next question is a supplementary. In her announcement on these sweeping changes to Employment Insurance, the Minister of Human Resources noted that the government will be expanding its jobs alert system by sending emails twice a day to people on EI if there are job openings in their area.

That is fine for people who have access to the Internet. However, 54 per cent of low-income Canadians do not have access to the Internet in their own home. Now they will not even have access to a computer outside their home in many rural areas because the federal government is cancelling the funding to the Community Access Program.

How will the government serve the thousands of Canadians who will not have access to the Internet?

Senator LeBreton: The honourable senator is not suggesting that people who are out of work and on EI would not want to hear about job openings in their area.

With regard to the question of the Internet and email, again, the situation is not as dire as the honourable senator always paints it to be. I am quite certain that in a small community, if there are jobs open in the area, not only will the minister use every tool available including the Internet but I am certain there will be other means of communicating with people in addition to the Internet. As well, people still do have telephones.

I know the minister is seeking ways to get information to people, the recipients of EI; they are also getting EI cheques, so there are many ways to communicate with them other than through the Internet, most particularly by mail but also by having these jobs posted in their regions.

Senator Callbeck: Certainly, I think that people on EI want to know of job openings. There is no question about that. I think that the leader's idea about the Internet is a good idea, but I am talking about the people who do not have Internet in their own homes and who will not even have access to Internet now because the Community Access Program is being closed down.

• (1420)

The leader mentioned the telephone, mail and other ways of communication. What is the plan so that these people will know where the job openings are and what they are?

Senator LeBreton: I actually believe that individuals who are on EI are not sitting there waiting to have someone contact them directly. I am sure that they are out looking as well. There are many ways to communicate to people that there are job openings in an area.

People can use their own devices, and those who do not have access to the Internet are becoming fewer and farther between. People are receiving their cheques. They do have a mailing address, obviously, and they do have telephones. People post jobs in local newspapers, so I would suggest to the honourable senator that people that she is referring to are a little more innovative than she gives them credit for.

Senator Callbeck: I am sure that people are looking for jobs. There is no question about that. I was not suggesting in any way that they are not looking.

What I am trying to figure out is what the plan is for all of these people who do not have access to the Internet. As I said, there will be many more because the government is canceling the Community Access Program.

Senator LeBreton: Again, going back to the Community Access Program, the reason is that the number of people using that program was minimal. For those few people who used the Community Access Program, the honourable senator is suggesting that they do not have the wherewithal to either read the newspaper or watch television. They are obviously getting an EI cheque. Obviously, they can phone. If I were in a small community and receiving EI, I would not be waiting for a phone

call or for someone to send me an email. I would be exploring all avenues to get that job, and I am sure that people to whom the honourable senator is referring have more desire to look for work than she is giving them credit for.

Hon. Terry M. Mercer: As I understand it, Senator Callbeck was asking what your plan is. You are the people who came up with the grand scheme of changing EI and the people who closed the sites that Senator Callbeck referred to. Then you also came up with a plan that people would get emails twice a day telling them where the jobs are available.

You say that if they do not have e-mail, they have telephones. They are going to have people call them to tell them about these jobs.

The question I have is: Who is going to call? It is not going to be people at Service Canada because you have closed Service Canada offices in Atlantic Canada, so there is no one at the other end of the line to call.

Then you said that there is always the mail, so now we are going to get mail to people twice a day. There will be robocalls, perhaps. Thank you, Senator Robichaud.

Minister, think about it. The unemployed do not want to be unemployed. They want to find jobs. The government has said repeatedly that it wants to help them to find jobs and that you want to do so by contacting them twice a day to tell them where the jobs are.

Senator Callbeck asked a simple question: What is the plan?

Senator LeBreton: First of all, in terms of the Internet, 98 per cent of Canadian households, by this summer, will have access to basic broadband service. We have just announced the spectrum auction with an emphasis on rural Canada. The honourable senator is just like Senator Callbeck. He is undermining the initiative of people living in his area by indicating that they are going to sit there and expect a job to be delivered to them, to pop into their lap. We are not saying that. We are saying that we will use every means possible because there are job shortages all over this country. We have situations all over the country where there are jobs available, and we are bringing in foreign workers through the Temporary Foreign Worker Program to fill these jobs.

Surely the honourable senator would not want the government to be bringing in foreign workers and not using every means possible to inform people in his area of these available jobs. That is what the government is doing. We have always indicated that we are trying to connect people to well paying jobs in their area. If, through no fault of their own, they are unable to find employment, the EI system will be there for them in the future, as it has been in the past.

Senator Mercer: I see frustration on Senator LeBreton's face when she tries to answer some of these questions sometimes, but we are getting frustrated too because we are not getting the answers.

There is an article in iPolitics today, written by Elizabeth Thompson, called *Summer Break Could Leave Hill Workers Stuck in the Path of EI Changes*. When Parliament ends, if it ever ends, this term, hundreds of people are laid off around here because of their jobs, people in the parliamentary restaurant, the people who transcribe Hansard, et cetera. This happens often. At Christmas time, we have a six-week break. Pretty well every summer since I have been here, we have had breaks. Then we get prorogation every once in a while when the Prime Minister wants it. These people have always used EI to carry them through those breaks, and, under the conditions now, they are described as frequent users of EI claims. Now, after receiving benefits for seven weeks, they would be required to accept any work that they are qualified to perform and to accept wages at 70 per cent of their previous hourly salary.

We are blessed, in this place, with some extraordinarily good people who work and serve us either in the House of Commons or in the Senate. I would suggest that those people who are in that position, who now, after seven weeks, will be forced to take a job in another sector or to move someplace else to find a job, are not going to be available for us when we come back here in September.

I am surprised that this government did not think of this. I am surprised that people who administer this place and the other place did not think of this. Has the government given any consideration to how this affects the actual operation of Parliament?

Senator LeBreton: If the honourable senator detects a note of frustration on my face it is because of questions like he has just asked me.

Teachers have the summer off. I am actually not familiar with the arrangement that the staff on Parliament Hill have with their employer. Years ago, it used to be all sessional. Everyone was out of a job when Parliament did not sit, except for people who were fortunate enough, like me, to work in a leader's office.

I am not familiar with the circumstances of the staff on Parliament Hill and what kind of arrangements they have with the employer because this is something that happens on a regular basis. Parliament adjourns for the summer and at Christmas. I do not know what pay arrangements they have, and I did not read Elizabeth Thompson in iPolitics.

I cannot answer on behalf of the government for the administration of Parliament, because, as honourable senators know, Parliament operates independently from the government.

• (1430)

Senator Mercer: Should the minister not know what effect legislation will have on all Canadians, including on the good people who work in this institution? She should know that this legislation will have an adverse effect on these people. She is quite quick to beat up on unemployed workers in Atlantic Canada, but she does not know what the effect will be on people around her.

I suggest that the government has been negligent in its responsibilities by not understanding the consequences, albeit perhaps unintended, this will have on Canadians, particularly on the good people who work on Parliament Hill.

Senator LeBreton: Honourable senators, I totally agree that the people who work on Parliament Hill are highly skilled and are great employees. As I have said to the senator before, although he has apparently not absorbed it, the present EI system is in place for people who require it now and in the future.

Under the reformulated EI system, people who are out of work will be informed of good paying jobs in their area. If they cannot get a job, through no fault of their own, EI will be there for them, as it always has been and always will be.

Hon. Jane Cordy: Honourable senators, I took the advice that one of the leader's colleagues gave when I was asking questions last week about how Conservative MPs from Nova Scotia felt about the Employment Insurance and Old Age Security changes in the bill. I thank the leader's colleague for the advice. My office got in touch with each Conservative MP, and got replies after the vote on the bill, so it was obvious that they were in favour of the changes to EI as they had voted in favour of the bill.

Mr. Kerr wrote that he was in favour of what he called "minor changes" to EI but which are really major changes. He said that the details regarding EI changes would be out shortly. That was last week that he replied. Following on Senator Mercer's question, I am not sure when "shortly" is that we will get the details. They seem to be changing on the fly.

I am not sure how the labour shortages in Alberta will affect someone from Nova Scotia. My understanding is that people will not have to travel more than an hour to work, and Alberta is certainly more than an hour's drive from Nova Scotia.

Further to Mr. Kerr's response that the details will be out shortly, will the leader tell us exactly when the details will be out? We will be asked to vote on this bill and we do not even know the details. We do not know the costs. They did not get the costs in the House of Commons; the Parliamentary Budget Officer does not have the costs, and yet we will be expected to vote on a bill for which we do not have the details or costs.

When will these details be made available to us in this chamber?

Senator LeBreton: Honourable senators, when we talk about labour shortages, we are not talking only about the province of Alberta. There are labour shortages across the country, including in the senator's own province of Nova Scotia.

In addition to the government's announcement earlier about the ship building contract, the government is doing many things to ensure that there will be high paying skilled jobs in every part of the region.

With regard to my colleague Greg Kerr's comments, the Minister of Human Resources and Skills Development has said that the changes to the EI system will be in effect across the

country, but the individual circumstances of Canadians will always be considered with regard to their requirements of the EI system.

The details about the changes to the EI system will be available when they are available.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, at least we got an answer.

Senator Cordy: Not really.

Senator Cowan: The initial part of Senator Callbeck's question was on an issue that I raised last week, and that is that the government is proposing and will pass major changes to the EI system, which will impact significantly upon the Atlantic provinces.

Can the leader explain why, in the course of the extensive pre-budget consultations about which she has spoken, involving thousands of people, it would not have occurred to the Minister of Finance to pick up the phone to call the premiers of the four provinces that are most likely to be impacted by this, since restricting the availability of EI will have an impact upon provincial budgets because many unemployed people will be on social assistance at provincial expense for longer periods of time?

Can the leader explain why that consultation did not take place?

Senator LeBreton: First, honourable senators, I am not from Atlantic Canada, although I have great admiration for the people of Atlantic Canada. They are industrious, ingenious and hard workers. He tries to leave the impression that Atlantic Canada will not produce good workers who are looking for high quality jobs. I think the honourable senator sells them very short.

With regard to the consultations, as I said to Senator Callbeck, there were many consultations by all ministers whose portfolios were affected by the proposed budget implementation act. I said there were cross-country consultations with stakeholders. People were invited to meet with the ministers in open town hall meetings to make their views known.

I cannot provide the honourable senator a list of people with whom each of the ministers met, but I am sure it is extensive. The Minister of Finance is probably the first of all ministers to consult people.

I believe that the changes we are bringing into place to the EI system will improve it. Employment Insurance will be available for people who really need it. Information and assistance will be provided to those who would rather have a job than get a cheque in the mail.

Senator Cowan: With the greatest of respect, the minister seems to be unduly sensitive about the fact that I mentioned four Atlantic provinces. I could broaden the question and ask why the government did not consult the premiers of all the provinces in the country.

It is one thing to ask ordinary Canadians and Canadian groups for their input but, in order to frame the discussion properly, the minister should have explained what changes the government was proposing to make to the EI system and asked all Canadian premiers what they thought of them. However, this measure came out of the blue. Any province that is in the same situation as the provinces in the region that I represent here would have a similar concern.

• (1440)

This lack of consultation and sensitivity is a further example of the federal government abandoning its responsibility and downloading to the provinces. That is what has happened. That is the effect of this. It does not matter whether it is Nova Scotia, or Prince Edward Island, or Alberta. It has the same effect, and that is the point.

Senator LeBreton: Honourable senators, my seatmate reminds me of what Paul Martin did when he was the Minister of Finance under Jean Chrétien.

Senator Cowan: How did he do?

Senator LeBreton: How did he do? He lost the election to us in 2006.

The fact of the matter is, honourable senators, the government brought in a budget on March 29. It was a huge budget. Following that budget speech was the budget implementation legislation. There is a budget implementation act before us now, and there will be another one in the fall. The fact is that through the whole budgetary consultation, people were invited to participate in the consultations.

With regard to the premiers, as I indicated to Senator Callbeck in my first answer, if the premiers have views on this, we are more than willing to hear them. Obviously, their views count. Even the four Atlantic premiers, their views were not exactly as the honourable senator suggests. Some have worked within their own jurisdictions and have people working with the government on getting information. However, all provinces that have views are more than willing to offer them, and we are more than happy to hear what their views are.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: Motion No. 44, Bill C-31, Bill C-23, Bill C-25, Bill S-9, follow-up on the report on the librarian, and the inquiry on the budget.

IMMIGRATION AND REFUGEE PROTECTION ACT BALANCED REFUGEE REFORM ACT MARINE TRANSPORTATION SECURITY ACT DEPARTMENT OF CITIZENSHIP AND IMMIGRATION ACT

BILL TO AMEND—ALLOTMENT OF TIME FOR DEBATE—MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of June 22, 2012, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, this is an important motion to ensure that senators have a sufficient amount of time to debate Bill C-31 effectively and efficiently. It will also help ensure that debate is limited so that we can pass Bill C-31 by June 29, 2012 at the latest.

I would like to remind this honourable chamber that, in June 2010, we passed another bill, Bill C-11, to reform the refugee determination process. This reform supports the principles underlying the asylum system in Canada — namely, to ensure that the process is equitable, to protect authentic refugees and to maintain Canada's humanitarian tradition. Important parts of this reform will take effect on June 29, 2012. Therefore it is vital that Bill C-31 be passed and take effect the same day, to avoid the need for a multitude of bureaucratic measures and to prevent potential errors from being made when the system is implemented.

Therefore, I invite all honourable senators to support the motion.

[English]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak once again to a time allocation motion, this time in reference to Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. The title of this bill alone should give honourable senators an idea of the length and scope of this legislation.

If this motion is adopted today by the Senate, debate on third reading of Bill C-31 will be limited to one day: today.

Honourable senators, the report from the Standing Senate Committee on Social Affairs, Science and Technology was tabled just a few days ago. There is extensive committee evidence, 145 full pages of testimony, and the report even contains observations to the Senate. Honourable senators wishing to examine all of this in detail have scarcely had the opportunity to do so.

It is also of great concern to members on this side that the government seems to see nothing of great consequence in the evidence heard by the committee. On Friday, the government sponsor of the bill said only a few brief words at third reading and considered the matter closed. Subsequently, Senator Jaffer rose and spoke at length about many of the serious issues with the bill that were raised during committee study.

For example, there is the statement by the former chairman of the Immigration and Refugee Board that people use biometrics as though they were a magical solution with insufficient regard for information security; or, another example, the problematic situation created for the Roma people by the designated country of origin; or that Bill C-31 denies the reunification of families for a period of five years; or that Bill C-31 imposes a detention period, without review, until the expiration of six months.

As Senator Jaffer so eloquently stated, not only does this bill fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and in direct contradiction with Canada's international obligations.

These are serious matters, honourable senators, and it is regrettable that the government does not consider these or other issues to be legitimate points of debate.

[Translation]

Those of us on the opposition benches have serious concerns about this bill, which will have profound repercussions on the lives of people across Canada. The government is refusing to acknowledge and respond to our serious concerns. This is not representative of a place of real debate. Rather, the aim of this exercise in haste, speed and convenience is to pass the bill before the end of the day.

Honourable senators, I have stated repeatedly in this chamber that the increasingly common practice of time allocation is worrisome. We cannot claim to be carrying out our mandate as a chamber of sober second thought under such limits and constraints.

Can we assure the many stakeholders, groups and individuals for whom this bill will have serious repercussions that we are ensuring, with consideration and diligence, that good public policy is being implemented? Can we say that we have taken into account their interests by conducting a thorough review of the bill? I do not believe so, and I find that truly unfortunate.

• (1450)

[English]

Time and again in this chamber, we have heard the Leader of the Government and other senators make a claim. They claim that because their colleagues in the other place were recently

elected with a majority, the government in the Senate has the mandate and authority to point to any given page or paragraph of their colleagues' election platform and insist that because it appeared in that brochure, they have the authority to limit debate in this place. They believe this gives them the right to prevent members of the opposition from being able to participate in debate in a careful and considered way. When this chamber was devised as a place of sober second thought, I hardly think this is what our predecessors had in mind.

The government has made it clear that it desires this bill to be passed into law by June 29. Perhaps honourable senators wonder why that is. The fact of the matter, as the Leader of the Government is often prone to say, is that June 29 is when the rest of the Balanced Refugee Reform Act of 2010, a bill that all parties supported, is to come into force. The government held a minority of seats in the other place at that time, so it had to work with the opposition parties to come to an agreeable compromise for refugee reform. Many of the changes that Bill C-31 is now introducing directly counteract the elements of that compromise, among many other things, the removal of the Refugee Appeal Division for certain claimants and the removal of the advisory group that the minister is supposed to consult in order to designate countries as being safe.

Thus, it would be terribly inconvenient for this government to have its previous legislation, which was negotiated in good faith and in the spirit of compromise, come into effect before it has the chance to override it with these new, oppressive rules that it has pushed through with its majority.

Honourable senators, I cannot in good conscience agree to shorten the time for debate on this bill simply because the government would like to undo its previous compromise in a convenient and expeditious way. Agreeing to curtail debate on this would be doing a disservice to the people I represent in Alberta — a province that welcomed 32,640 new immigrants in 2010.

I would like to remind honourable senators that in most other parliamentary democracies in the world, for example, the British Parliament, the Parliament of Australia, or the Parliament of New Zealand, time allocation motions are used only very rarely in situations where there is an urgent need to act or there is a threat to public health and safety. I do not see this to be one of those situations. If it is, perhaps the member of the government ought to rise in this place and explain. Until then, I would reiterate that I see serious concerns with this bill and until the government responds to the concerns raised by the opposition, it would be tremendously inappropriate to put the question to the house.

As my colleague, the Honourable Senator Jaffer, said in her remarks last Friday, this bill "... will really change the lives of people who flee to our country ...". What is more, there have been arguments from numerous parties that there are unconstitutional elements to this bill. That is no small matter and it deserves real consideration, much more than just a few days of debate.

[Senator Tardif]

I would like to remind honourable senators of the words of the Honourable Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, when he was a member of Parliament in the other place for the former Reform Party. On May 25, 1998, he said:

I begin by expressing my regret that debate on this bill has been limited by the government's time allocation motion. . . .

This is parliament. The purpose of this place is to deliberate on legislation brought forward by the government. It is not to rubber stamp legislation brought forward by the bureaucracy or the executive branch. It is to deliberate, to debate, to amend, to consider, to ensure that those who pay the bills for the legislation we pass have their concerns fully and exhaustively expressed with respect to every single piece of legislation . . .

I hope honourable senators will reflect on these words. I would urge my colleagues not to support this time allocation motion.

Hon. Mobina S.B. Jaffer: Honourable senators, I rise before you today to speak to the motion introduced by the government that would limit debate on Bill C-31, which proposes to establish the protecting Canada's immigration system act. Bill C-31 is yet another example of an extremely complex omnibus bill that requires detailed study and extensive debate.

As the critic of this bill in the Senate, I have spent countless hours studying this particular piece of legislation and analyzing the impact it will have on individuals both in Canada and abroad. I assure you that there are very troublesome provisions in this bill that require our time and demand our attention.

Bill C-31 amends the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. In addition, Bill C-31 makes a number of changes to Canada's inland refugee determination system by amending the Balanced Refugee Reform Act and by introducing entirely new provisions. It also amends the inland refugee determination process with respect to irregular arrivals of refugee claimants through provisions substantially similar to those previously introduced in Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act. As well, the bill amends other areas of immigration law, notably by providing for the collection of biometrics from temporary resident visa applicants and expanding opportunities to sponsor immigrants.

As honourable senators can see, Bill C-31 is extremely complex. As I mentioned in a speech delivered at second and third reading, Bill C-31 will likely change the face of Canada as we know it, as it compromises several principles that define who we are as a nation. These are principles of compassion, justice and acceptance. As a chamber of sober second thought, we must not limit the time allotted to debate issues that will have such a substantial impact not only on our Canadian identity but also on those individuals who so desperately seek refuge in Canada.

Honourable senators, after hearing from a number of witnesses who spoke to the many challenges and controversies that this bill perpetuates, I received further confirmation that the bill should be reassessed and more closely examined. Today I will draw attention to a few of the concerns brought forward during our committee proceedings in an effort to demonstrate just how important it is that we all take the time required to closely study and debate this bill.

Honourable senators, Canada is a signatory to the United Nations Convention relating to the Status of Refugees. As a signatory to that 1951 convention and its protocol, Canada cannot return people to territories where they face persecution on the basis of their race, religion, nationality, membership in a particular social group or political opinion. Unfortunately, Bill C-31 violates this convention as it will turn its back on individuals who are desperately seeking asylum and place them in jail-like detention centres.

Honourable senators, Canada is also signatory to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Bill C-31 violates this convention as it fails to acknowledge that refugees risk death, torture or cruel and unusual treatment or punishment and, therefore, require protection.

The Canadian Charter of Rights and Freedoms is also an important part of the legal framework for those seeking asylum in Canada. In 1985, the Supreme Court of Canada decided in *Singh v. Minister of Employment and Immigration* that the Charter also protects refugee claimants. This decision has been instrumental in setting the standards for procedural fairness that must be met in such cases.

• (1500)

Asylum seekers or refugee claimants whose claims for protection are deemed eligible are offered the opportunity of a hearing by the Immigration and Refugee Board of Canada.

Following an initial interview with an immigration officer, claimants for refugee protection proceed to a hearing before a panel of the Immigration and Refugee Board's Refugee Protection Division. Unsuccessful claimants are removed from Canada; however, they may apply to the Federal Court of Canada for a judicial review and a stay of their removal order.

Unfortunately, as a lawyer who has practised refugee law for many years and who has filed hundreds of claims, I can assure you that the 15-day timeline provided by this bill is incredibly unrealistic. What is even more unfortunate is that if a claimant does not meet the imposed deadline, he or she will be disqualified.

More specifically, under Bill C-31, refugee claimants will have 15 days to deliver a written version of the basis of their refugee claim. This is not enough time for newly arrived refugees to seek legal advice, respond to complicated legal requirements and gather the evidence to prove their claim.

Refused claimants will have 15 days to complete an application to appeal an initial refusal. This is an impossibly short deadline and will render illusory the availability of an appeal to correct mistakes made by the Immigration and Refugee Board.

Honourable senators, our committee heard from a number of witnesses who stated that these timelines are indeed unreasonable.

Ms. Noa Mendelsohn Aviv, who is the director of the Canadian Civil Liberties Association, spoke to these concerns and to the complex nature of this bill while addressing the committee. She stated:

The question now is how will history remember us at this juncture? Will we jail innocents? Will we send desperate people back to danger? Will we take them in only to mistreat them? Will yours be the hands that sign off on a bill that is unconstitutional under Canadian law, a violation of international norms and a violation of basic human rights? You have the opportunity to make a difference. This bill did not get adequate time in the House of Commons. Take it and study it. There is a lot to be concerned about. . . .

I suppose it goes without saying that it has been many years since Canada turned away refugees. I am grateful for that, but we certainly do have Supreme Court of Canada decisions saying that we are responsible for sending people to situations of danger and not just when they are innocent. Even for people who may have committed offences, if we want to send them back to a place where there is a death penalty, our Supreme Court has said that that is not on. It would be a violation of our Charter if we, responsible for this person — they are in our custody — send them back to a danger to their life, which is section 7 of the Charter.

Honourable senators, I want to remind you that in the document *The Canadian Senate In Focus*, the duties of the Senate chamber are described:

. . . its principal duty would be the revision and correction of legislation from the popular chamber, which would require “impartiality, expert training, patience and industry” in tandem with the representation of provinces, regions and minorities.

Not only is it our responsibility to represent provinces, regions and, in particular, minorities, it is also our responsibility to provide sober second thought.

Honourable senators, I understand that we may not always be in agreement about particular issues because we all come from different life experiences. However, what is wonderful about being part of a democracy is that we all receive an opportunity to express our views even if they are conflicting.

We have a duty to Canadians and to the thousands of refugees who come to Canada every year to take the time required to properly study and debate Bill C-31.

I would like to conclude by sharing a plea that Mr. Peter Showler, who was the chair of the Immigration and Refugee Board and is now a professor at the University of Ottawa, made to our committee during his testimony, urging all honourable senators not to pass this bill in haste. He stated:

This bill will damage the lives of asylum seekers. It deserves to be carefully and fully reviewed by Senate. I am asking you to please take the time to identify the flaws in the bill, craft reasonable amendments and return a far better bill to the House of Commons.

If you pass the bill in its present form — I am sorry to say this — you will be complicit in causing immense and unnecessary suffering to people who need Canada's protection. If you do that with only three days of consideration of an immensely complicated bill, then you will have failed in your constitutional duty. That is a harsh thing to say, but I have personally seen the consequences of bad refugee decisions and the consequences of sending vulnerable people to prisons. I feel it is my duty to come forward and point out that you have an important and powerful role in the passage of this legislation. If you pass it in its present form, there will be immense human suffering and you will have had a role in that. I am sorry to say that.

Honourable senators, we have a very important job to do. Let us take it seriously.

Hon. Catherine S. Callbeck: I want to make a few remarks on the motion for time allocation to curtail debate on Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

I have serious reservations about this legislation, and I believe that such a significant overhaul of the refugee system should be given adequate time for real discussion and debate.

However, once again, the Conservative government has seen fit to limit debate on legislation that has been brought before this chamber. Once again, all senators are being restricted in their ability to adequately debate the legislation up for consideration.

In the case of Canada's refugee system, the result of this lack of scrutiny could be devastating. I have no doubt our system could be better. Only a fool believes that there is no room for improvements in government policies.

However, changes like we are seeing in this piece of legislation, without fully exploring and debating the consequences, could have a deep, dramatic impact on the most vulnerable people in the world.

I am a member of the Standing Senate Committee on Social Affairs, Science and Technology, which studied this legislation. The committee heard from 22 witnesses. This was packed into a little more than eight hours — hardly sufficient time to look at and really delve into the broad issues that are in this piece of legislation.

As Senator Jaffer has said, this is a very, very complex piece of legislation, and she outlined well in her speech to this house just how complex this bill is.

I feel that we are doing a grave disservice to our international obligations by moving forward on this legislation without substantial debate. The consequences are clear. In her remarks a few minutes ago, Senator Jaffer referred to the professor from

the Human Rights Research and Education Centre at the University of Ottawa, Peter Showler, and it is strange that I have the same quotation here. I am going to repeat it because I think it is extremely important. Here is what he said:

This bill will damage the lives of asylum seekers. It deserves to be carefully and fully reviewed by Senate. I am asking you to please take the time to identify the flaws in the bill, craft reasonable amendments and return a far better bill to the House of Commons.

If you pass this bill in its present form — I am sorry to say this — you will be complicit in causing immense and unnecessary suffering to people who need Canada's protection.

Honourable senators, I agree that this legislation needs further study and debate in the Senate. I am disappointed that the government once again is limiting the time we are able to consider this particular piece of legislation, and, for those reasons, I will have to vote against this time allocation motion.

• (1510)

Hon. Lillian Eva Dyck: Honourable senators, I rise to speak to this time allocation motion, because I do not think we have taken into account all the complexities of this bill. I thank my colleague, Senator Jaffer, for the wonderful work she has done on this bill.

In particular, I want to read from one from one of the many letters we have received in regard to the bill, which highlights the impact of this bill on families. I will start with that.

Over the years I have become more patriotic and proud to be a Canadian. In the 1980s Canada won an award for their immigration policies. However, I have been very disappointed lately with Bill C-31 and how our government plans to treat newcomers to Canada. There are many things I would change about this bill but I will mention only two.

My greatest concern is that of detention of refugee claimants. I would like to see this eliminated altogether but if this is not possible then at least no detention for those with children. To separate children from their parents upon arrival to Canada is inhuman. Many of these people have been through extremely traumatic events and to enter a new country that they have hoped was "safe" and then have their children put into foster care would be devastating for these children.

My other concern is the "Disincentive Package." This also applies to the negative effects on children. If a refugee claimant is deemed credible but has been in one of these detention centres, s/he may not apply for their families to join them for 5 years after becoming a permanent resident. This is an unacceptable timeline to keep families apart even if they are in a safe situation let alone if they are in an unsafe one.

Please consider Bill C-31 carefully and make the appropriate changes.

Honourable senators, we have obviously not taken the time to consider this bill carefully and make the appropriate changes. When we are talking about refugees, we are talking about families and their children. Many people who come to Canada are coming here because they want to make a better life for their children. I will remind honourable senators of some of our history.

In 1923, Canada passed the Chinese Immigration Act. In that act, Canada did not allow Chinese immigrants to bring their families to Canada. No Chinese was allowed to come into Canada between 1923 and 1947. The effect of that law on the families was devastating. We had mostly what were called "Chinese bachelors" living in Canada who had families in China — wives and children who could not come to Canada to live with their father. Those fathers were living here in by themselves, leading a very lonely and desperate life, because they could not unite with their families.

In 2012, it is 65 years since we repealed the Chinese Immigration Act. In 2008, the Canadian Government apologized to the Chinese for applying the head tax, which was essentially the same sort of thing. It was putting a head tax on Chinese so that only the men could come.

The government is passing a law that will do very similar things and that will also require an apology. When will we apologize for this? In another 100 years or in another 50 years? It is really not fair. The impact on families is not something that we, as Canadians, should take lightly.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators in favour of the motion will please signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Honourable senators opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion that the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Honourable senators, it will be a one-hour bell. The vote will take place at 4:15 p.m.

• (1615)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Marshall |
| Angus | Martin |
| Ataullahjan | Meredith |
| Boisvenu | Mockler |
| Braley | Nancy Ruth |
| Brown | Nolin |
| Buth | Ogilvie |
| Carignan | Oliver |
| Comeau | Patterson |
| Dagenais | Plett |
| Di Nino | Poirier |
| Doyle | Raine |
| Duffy | Rivard |
| Eaton | Runciman |
| Finley | Segal |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | Stewart Olsen |
| Housakos | Stratton |
| Johnson | Tkachuk |
| Lang | Unger |
| LeBreton | Verner |
| MacDonald | Wallace |
| Maltais | Wallin |
| Manning | White—52 |

NAYS
THE HONOURABLE SENATORS

| | |
|------------------|------------|
| Baker | Hubley |
| Callbeck | Jaffer |
| Campbell | Kenny |
| Chaput | Mahovich |
| Charette-Poulin | Massicotte |
| Cordy | Mercer |
| Cowan | Mitchell |
| Dallaire | Moore |
| Dawson | Munson |
| Day | Peterson |
| De Bané | Poy |
| Downe | Ringuelet |
| Dyck | Rivest |
| Eggleton | Robichaud |
| Fairbairn | Tardif |
| Fraser | Watt |
| Furey | Zimmer—35 |
| Hervieux-Payette | |

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

[The Hon. the Speaker]

• (1620)

The Hon. the Speaker: Honourable senators, pursuant to the *Rules of the Senate*, the question before the house, on which debate will begin momentarily, is the motion of the Honourable Senator Martin, seconded by the Honourable Senator Unger, for third reading of Bill C-31. A motion in amendment was moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy.

Honourable senators, the rules are sometimes difficult to follow in these proceedings. I will attempt to explain them. We have six hours of debate, pursuant to the order just adopted. Should the debate collapse, the first question that the Speaker will put to honourable senators is the motion in amendment. After the house has dealt with the motion in amendment, the Speaker will ask if honourable senators are ready for the question on the main motion.

Time becomes a factor. If debate concludes on the motion in amendment, there will be a 15-minute bell. It is not deferred. As for the main motion, if this occurs before 5:30 p.m. during today's sitting, the vote takes place at 5:30 today. Should the debate on third reading motion end after 5:30 p.m., the vote will be deferred automatically until 5:30 p.m. on the next sitting day, which will be tomorrow.

There will be a 15-minute bell. However, should debate on the third reading motion finish close to 5:30 p.m., for example at 5:28 p.m., the vote, if it is to occur today, will be at 5:30 p.m., which means there will be a two-minute bell, effectively. That is the way our rules currently read, and that is the way I have to conduct business.

Honourable senators, we are now into the six-hour debate on the main motion and on the motion in amendment.

BILL TO AMEND—THIRD READING—
DEFERRED VOTE

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Unger, for the third reading of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act;

And on the motion in amendment of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, that Bill C-31 be not now read a third time but that it be amended

(a) in clause 23,

(i) on page 12, by replacing line 39 with the following:

“and who is 18 years of age or older on the day”,
and

(ii) on page 13, by replacing line 3 with the following:

“who was 18 years of age or older on the day”;

(b) in clause 24, on page 13, by replacing line 11 with the following:

“Division and who was 18 years of age or older”;

(c) in clause 25, on page 13, by replacing line 27 with the following:

“was 18 years of age or older on the day of the”;

(d) in clause 26, on page 14,

(i) by replacing line 9 with the following:

“designated foreign national who was 18 years”,

(ii) by replacing line 20 with the following:

“designated foreign national and who was 18”,
and

(iii) by replacing line 37 with the following:

“18 years of age or older on the day of the
arrival”;

(e) in clause 27, on page 15,

(i) by replacing line 2 with the following:

“designated foreign national who was 18 years
of”, and

(ii) by replacing line 10 with the following:

“foreign national who was 18 years of age or”;
and

(f) in clause 28, on page 15, by replacing line 32 with the following:

“who was 18 years of age or older on the day”.

Hon. Art Eggleton: Honourable senator, I rise to speak at third reading of Bill C-31, a bill that uses in its language the word “balance.” However, I find that the bill is not balanced or fair, and I do not believe that it will protect, as it suggests, legitimate refugees who seek asylum in this country.

Honourable senators, Canada’s refugee system is more than just a government program; it says a lot about us and who we are as a people. Are we compassionate? Do we believe in human rights? Do we believe that we have an obligation to the world? Unfortunately, this bill brings those Canadian values into

question, as was amply demonstrated by Senator Jaffer in her remarks on Bill C-31 last Friday and today. They were excellent and comprehensive remarks born out of her experiences as a refugee and as an immigration lawyer. We should heed her comments and the amendment that she has moved.

What has precipitated this bill appears to be what the government thinks is the emerging threat of mass arrivals coming by boat to this country, as was the case with the *MV Sun Sea* and the *Ocean Lady*, which landed on the British Columbia coast. Has this been a large problem? Have we seen mass arrivals hitting our shores on a constant basis? The answer is no.

A little over 500 people have been involved in these incidents so far, yet the government is proposing a fundamental change to Canada’s refugee acts. They were only 500 people out of about 9,000 that come to this country every year, but they do not happen to be arriving at our airports or at our land crossings. They are coming by boats, and because of that, the government is proposing that they be treated differently. It will become a kind of two-tiered system for dealing with immigrants. According to this bill, the people who arrive by boats such as the *MV Sun Sea* and the *Ocean Lady* will be deemed irregular arrivals, which leads to something called a “designated foreign national,” or DFN.

The moment they are thus branded, they will be treated differently than other refugees. As Senator Jaffer pointed out, this is contrary to the 1951 United Nations Convention relating to the Status of Refugees, to which this country is a signatory. There will be two different treatments for refugees.

These people left their country because they were scared of being tortured or possibly killed. Most of them are not criminals — although some might be. Do we pass legislation that takes so many innocent people and treats them like criminals when they are not? The concern here is about people who organize this kind of smuggling effort. Well, at this time, only two persons have been charged with smuggling on the *MV Sun Sea*. Most of these people who arrive are fleeing persecution. Some honourable senators know about people who have fled or perhaps know someone who has fled because of persecution, or perhaps they have fled themselves.

Would you want to be treated the way this bill suggests? Would you want your friends or relatives to be treated the way this bill suggests? For example, the government initially said that a person could be in detention for 12 months. They finally came through and said that there would be at least a review at the 14-day stage, with subsequent reviews at six months. That is still a very long time to keep people, many of whom will be legitimate refugees, in detention.

According to Peter Showler, former Chairperson of the Immigration and Refugee Board of Canada, refugee lawyer and professor at the University of Ottawa, detention is not in comfy motels, as the minister likes to think. Mr. Showler said in his testimony:

If it is a large group, there is only capacity for 299 federal detainees across the entire country.

Therefore, they have to go to the provinces. Then he said:

... detainees — particularly mandatory detention for six months — will be transferred to medium security prisons. First, those prisons are overcrowded. Second, they have staff trained to deal with prisoners. Third, they are put in with a mixed criminal population. Finally, frequently what happens — and what has happened already, but not with groups — is that the detainee does not speak English or French, is not the “right colour” and is vulnerable. In many instances, they put them into solitary confinement, presumably for their own protection. However, the treatment that will happen in medium security prisons for refugees is potentially quite horrific.

• (1630)

Also, as Senator Jaffer pointed out, this legislation would detain children, effectively breaking the Convention on the Rights of the Child, which Canada has ratified. That is why she has an amendment to take out the 16- and 17-year-olds, so that we bring ourselves into compliance with children versus adults at the age of 18.

Mr. Showler has more to say about that. He says:

... even if parents accompany children, they are still detained if they are 16 years of age or older. Only those under 16 years are not detained. Even there, it will be de facto detention because, as we have seen on the West Coast of Canada, the choice is between staying with your mother in the Burnaby Detention Centre or going with a stranger who speaks a different language you have never heard.

This is a compassionate way of treating refugees?

He goes on to say:

Remember, we are talking about asylum seekers where we do not know to what degree they have already been traumatized.

Honourable senators, the government is saying the people will have a choice — the choice being that they can take their 8-year-old son with them to jail so that they can still be together.

What kind of an option is that? Perhaps the child goes to someone he does not know. Many refugees do not have a lot of friends and relatives here necessarily, as regular immigrants might. As a parent, their choice is either to take an 8-year-old child into jail or a detention centre or to have their child separated from them and living in a foster care facility.

One does not need to be a psychiatrist to understand that this will cause all sorts of social issues, all sorts of mental health issues going forward after the matter has been resolved. Is that how the government wants children treated? Innocent children treated that way? It is disgusting.

Those who are granted refugee status finally — some of them have been on those boats, by the way — will be denied the right to apply for permanent residency for a period of five years. Why is

that? If they come in at the airport, no, they do not get that same kind of status. There is the two-tiered status. If they come in by boat, they will; they could.

Honourable senators, during this period, refugees would be prohibited from applying to reunite in Canada with spouses and their children. In effect, this means that actual reunification could be delayed for approximately six to eight years after being granted refugee status because they need the five years before they can even apply. That is just the beginning of the process at that point in time. They would also be prohibited from travelling outside of Canada. If they do, they are not going to get back; they would have to start all over again. I think, as has been suggested both by the witnesses and by Senator Jaffer, this is a breach of our international human rights and humanitarian obligations. It is downright cruel.

Then there is the safe country of origin issue. Here is a case where the minister is now going to decide this all on his own. Another minister gets the opportunity to determine whether it is a regular or an irregular arrival. They want to be able to say what a safe country is. In the previous legislation — which I think goes down the drain if it is not implemented by the end of the month — had in it an advisory panel on this whole question of deciding what a safe country of origin is. Why is that? He agreed to it. The same minister — Minister Kenney — agreed to it previously. Why is he reneging on this now? Why is the government that agreed with him reneging on it now? Here is an opportunity to get a panel of people who are knowledgeable about these so-called safe countries to advise him, to help bring some further scrutiny to this whole issue.

We have heard many concerns that there will be no accountability, no recourse, and it dangerously politicizes the refugee system. That is what the witnesses were saying. We also must be cautious about this list. Just because the country is safe for a majority of its people does not mean that there is not a minority of people, often particular minorities, who actually are at risk.

As Senator Jaffer pointed out, the Roma are particularly at risk in many European countries that we would probably have on the list of safe countries — Hungary, for example. It may very well be a safe country that is part of the European Union, part of NATO, part of the structures that we are involved in. That does not mean people are not persecuted within that country. Maybe not by the government — I am not suggesting that they are — however, we know from history that this happens. They are not the only ones. There are women. We have heard that women quite frequently — in many countries that we consider our friends — are dealt with in a way that would be very unsafe for them to go back. There are gay and lesbian people as well.

Again, as the Commissioner for Human Rights pointed out that millions of people in Europe are stigmatized and even victims of violence because of their perceived sexual orientation or generally identity. They cannot fully enjoy their universal human rights.

Honourable senators, this is as it was for many Jews in the Second World War or before the Second World War in Europe and before that, who were greatly persecuted in Europe. It was not always by government entities — certainly by many of them — but

certainly starting with a lot of persecution by certain elements of the society. We must be careful not to forget the lessons of history and not to forget these people who might come here in that condition; it may not be a safe country that we are suggesting they go back to.

There is one other area: health care. Under these new rules, refugee claimants from countries that the minister considers safe will receive health treatment only if their condition poses a public threat. Those from countries racked by war, ethnic cleansing, and tribal violence will receive basic provincial health coverage but will lose their eligibility for drugs, medical devices such as wheelchairs, dental care and vision care. Resettled refugees, for example people who assisted troops in Afghanistan and were airlifted from refugee camps in strife-torn regions, will also lose supplemental health benefits.

The minister says that is something Canadians do not get, so why should people get it if Canadians do not get it? Canadians, by and large, can have access to these. They by and large have programs that will give them access. These are people who come from war-torn countries where they have been persecuted, and they do not have the money to be able to buy these services and the insurance for themselves. We should be giving them the opportunity to be resettled in this country without denying them that kind of treatment. Only if it is a public threat will the minister suggest that any services continue to be provided over and above the basic provincial service.

• (1640)

A doctor from a clinic at Women's College Hospital said in testimony:

We listened to their stories of enduring war and violence and being separated from their families.

The Hon. the Speaker: I regret to advise the honourable senator that his 15 minutes have expired.

Senator Tardif: Five minutes.

The Hon. the Speaker: Agreed?

Hon. Senators: Agreed.

Senator Eggleton: This doctor said:

We listened to their stories of enduring war and violence and being separated from their families. We believe it is inhumane —

— this is a doctor speaking —

— to deny them access to the health care they need to begin their new lives in Canada.

Unlike Canadians, many refugees have gone through horrific ordeals. They come because they are fleeing torture, rape and violence, and unlike Canadians, refugees often have no relatives or friends to turn to for help. They are at Canada's mercy, so let us be merciful. Let us in fact be humanitarian as we have traditionally been.

Let me conclude by quoting from the Canadian Civil Liberties Association:

The provisions of Bill C-31 stand in stark contrast to Canada's legal obligation under our Charter of Rights and Freedoms and a variety of international human rights conventions. Furthermore, this Bill represents a dramatic departure from the ethos and reputation of Canada . . .

I agree with that. This bill is wrong for this country, and we should vote against this bill.

Hon. Jane Cordy: Honourable senators, I rise to speak at third reading of Bill C-31. I also want to thank Senator Jaffer for the work she has done as critic on the bill, bringing her background as an immigration lawyer and as a refugee to provide an excellent perspective to the bill.

Honourable senators, here we are with another Harper government ominous bill, Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

Bill C-31 sets out to make significant changes to many aspects of Canada's refugee and immigration policies, policies that have evolved over decades to become some of the strongest, the fairest and most compassionate policies in the developed world.

Bill C-31 is an unfortunate step backwards. As one witness before the Standing Senate Committee on Social Affairs, Science and Technology commented, Bill C-31 makes things "fast, unfair and inefficient."

The minister likes to use the 250,000-applicant backlog as his measuring stick of how inefficient the refugee processing system is. However, the minister conveniently omits the fact that this government left the Immigration and Refugee Board shortchanged by not filling vacancies on the IRB, essentially limiting the number of applicants they could process. Even the most efficient system needs people to work it.

Reforming the system so that processing times are fair and reasonable should be the goal, rather than arbitrarily denying groups of applicants, putting unrealistic time constraints on landed immigrants for claims, and returning thousands of unassessed applications as proposed in the budget bill, of all things.

Honourable senators, the new system for refugee claimants will change time limits. A new claimant will now have 15 days from arrival to file a written claim. Under these new rules, a claimant will have 15 days to find a competent lawyer or, in most cases, get legal aid approval, have their lawyer arrange for an interpreter in many cases, have the lawyer understand the case, and then draft and deliver a well-written account of the refugee claim. This process is no small task and can be quite intimidating for a refugee unfamiliar with our culture and how we do things.

The concern that many have expressed is that many claimants faced with this daunting task will instead represent themselves. This will only lead to a poor or improperly prepared claim before the IRB, resulting in deserving refugee claimants being denied because their case was not presented competently.

Honourable senators, again, we know that the current refugee system is too slow, but only allowing 15 days to file a written claim is not workable. It is not unreasonable to allow 30 days, an extra few weeks. Let the process begin on the right foot.

As you can imagine, many refugee claimants give up everything to seek asylum in another country. They sell their belongings. They spend their only savings and they may even borrow money to get to the safe haven of Canada. Let us be fair.

As Peter Showler, Director of the Refugee Forum in the Human Rights Research and Education Centre at the University of Ottawa, stated:

Any refugee advocate or anyone that understands the refugee business will tell you that 15 days is not enough time, you just walk out of the Pearson Airport, you don't speak English or French, you've maybe got a cousin in town, you've got to find a place to stay for you and your family, you've then got to try to find some form of legal advice.

Honourable senators, Bill C-31 does not just drastically cut the time allowance for a refugee to file a claim; it will also allow only 15 working days to file an appeal for an unsuccessful claim to the Refugee Appeal Division. I have received many letters from people who are very concerned about this. The appeal involves reviewing all evidence presented at the IRB. By the way, honourable senators, the IRB has recently announced that it will no longer prepare transcripts of hearings, as a cost-cutting measure, so evidence from the IRB will have to be listened to. Documentation from the claimant will have to be read and the legal arguments will have to be prepared. The work involved in preparing an appeal is about the same as preparing an application for judicial review with the Federal Court, yet 45 days is allowed for that. Some people believe this change is designed to restrict access to the Refugee Appeal Division.

Chantal Desloges, an immigration lawyer who was a witness on the other side, in speaking about the 15 days to appeal, said:

Shortened timelines definitely are a good idea, but this kind of a shortened, accelerated timeline is too much. It cannot work.

Honourable senators, why would we bring in timelines that will not work? Why would we not make the appeal period 45 days to be in line with the judicial review at the Federal Court? The time frames set out in this bill for refugee claims are unrealistic for many claimants who arrive in Canada. Many do not speak French or English, do not have much money, do not have legal representation, do not have a place to live, and are unfamiliar with the culture and the complicated application process. They must overcome all these hurdles and present their case within 15 days of arrival in Canada.

Another concern raised is the increased powers provided for by Bill C-31 to the Minister of Citizenship and Immigration. Many feel that the decision to designate a safe country of origin should not be left to the sole discretion of the minister. There will be no accountability, no recourse, and it politicizes the refugee system. There should be an advisory committee that the minister must consult in order to determine designated countries of origin. This committee should include at least two non-government human rights experts.

With the removal of the expert panel when designating countries, the minister will now have broad discretionary powers to deem which countries are to be designated safe countries and which countries are not. This gives one person the power to choose who can claim refugee status and who cannot.

The inclusion of the expert panel was part of the Balanced Refugee Reform Act passed by Mr. Harper's government in 2010 after amendments in the other place. Regarding those amendments to Bill C-11, the Balanced Refugee Reform Act, which were encouraged and supported by immigration and refugee stakeholder groups, experts and opposition parties, the minister made these comments on June 15, 2010 in the other place:

We have, in good faith, agreed to significant amendments that reflect their input, resulting in a stronger piece of legislation that is a monumental achievement for all involved.

These amendments, I am happy to say, create a reform package that is both faster and fairer than the bill as it was originally tabled.

There is a remarkable spirit of co-operation around this bill. It is amazing to see that consensus could be reached on such a sensitive issue by all the parties in the house with their divergent views.

Here we are two years later and the Harper government has put a stop to the Balanced Refugee Reform Act to keep it from being implemented and the government has reneged on its promises, which Mr. Kenney at the time admitted made Bill C-11 "a stronger piece of legislation" and "faster and fairer." Whatever happened to that "good faith" Minister Kenney spoke of?

A country might be considered safe for a majority, honourable senators, but not safe for a minority group within that country. Such is the case for the lesbian, gay, bisexual and transgender community in many nations around the world.

• (1650)

In 1992, Canada was one of the first countries to extend refugee protection for those facing sexual orientation or gender-based persecution. Twenty-one countries now do the same.

As I stated earlier, now with Bill C-31, the Minister of Citizenship and Immigration has sole discretion of which countries to designate a safe country. A country can be designated safe if it has a democratically elected Parliament, independent judiciary and civil society organizations. A country's record on human rights is not part of the criteria. South Africa,

for example, recognizes same-sex marriage and yet human rights organizations there report 10 cases a week in which lesbians have been targeted for what is called "corrective rape" and police do not investigate. Brazil has the largest gay pride parade and yet has the highest rate of homophobic and transphobic murders in the world.

What is written in law can often be far different than what is happening on the ground in many so-called "safe countries." Indeed, it is when a country is deemed safe that those facing persecution often face the greatest challenges.

It is also unfair that Bill C-31 prohibits claimants from a designated safe country to an appeal. Applying a blanket designation to an entire country, labeling it a safe country based on the criteria that it is democratic, has an independent judiciary and civil society organization ignores the fact that many countries with these attributes still persecute minority groups within their borders.

An example of a minority group persecuted in such a manner is the Roma community in Hungary. Hungary is a democratic European country with an independent judiciary that openly targets the Roma community with threats and discrimination at an institutional and governmental level. However, as Minister Kenney pointed out before the Standing Senate Committee on Social Affairs, Science and Technology, Canada would not accept refugee claims from Hungary, and in fact his department has already begun discouraging the Roma in Hungary from making a refugee claim through a literature campaign. We know that Amnesty International, Human Rights First and the Helsinki Commission have all extensively documented the discrimination and violence against Roma people in Hungary, Slovakia and the Czech Republic. We know that Hillary Clinton has recently spoken of her concern about the discrimination and persecution of the Roma in Europe.

Honourable senators, we also know that there is a strong rise of anti-Semitism in Hungary. In articles on June 4 and June 11 of this year in *The Canadian Jewish News*, a concern was raised about this surge in Hungary. Under Bill C-31, the "Designated Country of Origin" classification would restrict refugee claimants in Canada from Hungary, including Jewish claimants. Human rights for the assessment of designated countries of origin should be included as part of the criteria. This would be reasonable and fair to those who are being persecuted in designated countries of origin.

Honourable senators, we have heard a recent announcement that will transform our refugee system by making cuts to the refugee health care services. This change is going to have a drastic impact on the refugees who are coming to Canada.

Since the 1950s, the federal government has provided temporary help to pay for medical care, prescription drugs and other health care needs for refugees. Its purpose was, according to the Interim Federal Health Plan, "... to reduce risks to public health, ensure care and assist with successful integration into Canadian Society."

Beginning on June 30 of this year, the "basic medical care" currently being offered will be replaced with "urgent and essential care." The problem is that no one is quite sure what the definition

of "urgent and essential care" is. My understanding is that diagnosing a cough or fever would be covered, while checkups and preventative care are not covered. Mental health treatment and medication would not be covered, but psychotic episodes would be covered. Perhaps we could avoid the psychotic episodes if we allowed mental health treatment and medication. Insulin will not be covered. Delivering a baby would be covered, but prenatal care would not be covered.

Physicians are rightly concerned that this could result in a serious illness, greater health complications and even higher costs to our health care system down the road with these increased costs downloaded onto the provinces and territories.

We have heard the minister and Mr. Thomas from the Canadian Taxpayers Association saying that refugees should have the same playing field as Canadians. Honourable senators, refugees do not have the same playing field as Canadians. Many have spent everything they have to come to Canada. Many have no money and they cannot work when they first arrive. However, we expect them to pay for their health care. This playing Canadians against refugees, this playing "us against them" by this government, is mean-spirited.

I would like to quote Chris Morrissey, who appeared before the Standing Senate Committee on Social Affairs, Science and Technology last week on the issue of health services for refugees and said:

... what bothers me about this is that many of these people have spent years in refugee camps. They have not had access to health care.

I am one of those Canadians. I am retired. I have no eyeglass care. I have no prescription coverage, and I know that many of my friends do not resent people who have experienced real persecution in their lives having the possibility, at least, of being able to see a doctor and have their teeth taken care of. I have to pay for all of that, and I would pay again to make sure that others had the same right.

Honourable senators, reform of our immigration and refugee system requires analysis and consultation with stakeholders and knowledgeable experts conducted in good faith. However, yet again, Bill C-31 is a prime example of this government's ideologically driven agenda and renege of prior commitments. Lawyers, scientists, doctors and anyone with expert working knowledge who presents evidence contrary to this government's plans are shrugged off or attacked by this divisive Harper government.

Honourable senators, I would like to close my speech with a quote from an article in *The Globe and Mail* on June 15, 2012, written by Philip Berger, Bernie Faber and Clayton Ruby:

As Canadian Jews, we grew up hearing stories about how our families came to this country as refugees. We also heard about the relatives who never arrived because of the Canadian government's closed-door policy for Jews.

May I have five more minutes, please?

Some Hon. Senators: Yes.

Senator Tardif: Absolutely.

Senator Cordy: The article continues:

Historians Irving Abella and Harold Troper's book 'None is Too Many' told of this sad and ultimately deadly policy.

In the early 1900s, Jews fled persecution in European countries where anti-Semitism was rampant. They were not alone; the Roma and Sinti people were caught in the same web of hate.

The article goes on to say:

While Designated Countries of Origin have yet to be named, Hungary will assuredly be on the list. If these policy changes come into effect, Roma refugee claimants will lose access to health care on June 30. We are also likely to see many more deportations of Roma back to Hungary.

Judaism teaches the concept of "tikkun olam," an exhortation to repair the world. If passed, Bill C-31 would be antithetical to these values. It is our hope that as Canadians hear more about the dangers of this legislation, they too will not stand by as refugees lose basic health care and persecuted groups or individuals are sent back to face violence in their home countries.

Today, we go on record as Jews and descendants of immigrants to say that we oppose cuts to refugee health care and the designation of so-called "safe" countries. Denying other human beings health care and a haven based on their country of origin is simply wrong. As Jews and human rights activists, we know well that countries deemed safe for the majority can be deadly for some minorities.

Pressure must continue. It's never too late to ask for changes or amendments to the regulations. Ironically, we also understand that, were our families to arrive today under the Federal Government's new rules, they would be denied health care and, ultimately, citizenship. Returning to the retrograde policies that inspired 'None is Too Many' must be rejected.

Hon. Yonah Martin: Honourable senators, I wish to respond to Senator Jaffer's proposed amendment and take this opportunity to also respond to some of the comments we have heard regarding this bill.

As previously stated, the Balanced Refugee Reform Act, Bill C-11, which was passed previously, will come into full effect June 29. There is a real urgent need to act in terms of what has been identified since the passage of that bill.

As Minister Kenney and officials have stated, the whole immigration system is not a static system. It really is dynamic and there are gaps and holes that can be identified, as we witnessed with the arrival of the ships *Sun Sea* and *Ocean Lady*. That pointed to the gap in our current system of not having a mechanism to address these irregular arrivals.

• (1700)

Honourable senators, we heard in committee that there have not been that many arrivals in the last 20 years. However, we had two within a few months of one another in which it was clear, from what the CBSA officials had to undertake, that by law they are obligated to follow very stringent processes. Therefore the mechanism in order to address irregular arrivals must be in place, which is one of the items addressed in this bill.

I would counter that we need to pass this bill without amendment due to the timeliness of the June 29 date that is looming before us and from what we heard in committee. The minister is in fact doing the responsible thing to look at the whole system in order to preserve the integrity of the immigration and the refugee determination system, knowing what has happened even in the past year with claimants from the democratic countries in the EU. Those claims spiked almost 100 per cent. With the current system in place, we are still facing many fraudulent, potentially bogus claims and the numbers are quite compelling.

We heard from a member of the Roma community that they do face incredible hardship in Europe. We are also aware that member states of the European Union have certain responsibilities and that Canada in being responsible. All of the witnesses clearly stated how generous our system has been and how responsible Canada has been in carrying the weight of the needs of the most vulnerable people in this world. In the case of the Roma, we had 4,400 claimants and the United States, our closest neighbour with 10 times our population, had only 47.

These numbers are extremely telling of our Canadian system, which taxpayers must support with their hard-earned money. There are huge discrepancies in these numbers. Many witnesses, as well as supporters of this bill, have highlighted that fact in order to ensure the future for our children and grandchildren, in order to protect Canadians from potential criminals and the smuggling ring that is prevalent and growing. We heard from officials that it is an international ring and we have read stories in the news about what is happening overseas. These are all compelling reasons for Canada to respond in a very just, fair and responsible way to protect Canadians, as well as to uphold all of our obligations.

The minister is on record as saying that the UN conventions, the Charter and privacy laws are all being upheld. The rule of "non-refoulement" states that Canada is obligated to ensure that no person is sent back if they face imminent death or torture or danger. That principle is being upheld. Nothing in the provisions that are part of this bill would put Canada in a position to impact the very clear reputation we have as one of the countries that is doing more than our share in the world.

Honourable senators, I will speak to why I oppose this specific amendment and also quote some of the testimony that has been given in the house as well as the Senate. In fact, Mr. Furio De Angelis, the United Nations High Commissioner for Refugees, stated on May 7, on the House of Commons side:

On timelines, we appreciate . . . the government's efforts to create a more efficient system in the processing of asylum claims. This is reasonable and legitimate. We also support implementation of efficient timelines.

... at the end of the process, there must be a quick removal. The quick removal part of the process is the real disincentive. We are talking very much within the context of Bill C-31. If you have a solid process and a quick removal at the end of that process, you will create a disincentive, which hopefully will take care of the people who want to abuse the system.

We know that is what we have been witnessing and the numbers are quite telling of the abuse of our Canadian system, which is overly generous in meeting the needs of the most vulnerable people in our world.

Honourable senators, in terms of the amendment proposed by Senator Jaffer, I too will add that she has painstakingly worked on this bill as the critic. We have had ongoing communication. We met with the ministers' officials and staff to ensure her questions were answered. I do fully respect her right to look at this bill and propose the amendment. However, I will just say that the detention provisions in Bill C-31 are a clear improvement over the previous human smuggling bill, Bill C-49. Whereas Bill C-49 did not exempt anyone at age from detention, Bill C-31 includes an exemption from detention for minors, which in this bill is defined as anyone under the age of 16.

I will also add that there are other jurisdictions that have detention of children even younger than 16, so this is a provision and an amendment that was made for Bill C-31, which shows Canada's willingness to listen to the concerns and the minister's ability to address what was brought up in the house.

This improvement to Bill C-31 from the previous human smuggling bill is yet another example of our government listening to feedback from experts and being open to reasonable amendments that improve the goals we are trying to achieve.

The government is of the opinion that age 16 is the appropriate age for the detention provisions to apply and is the age at which a person can make decisions in an independent manner. In other words, it is the age at which a person can be involved in a criminal human smuggling event, such as helping to organize it. It is also the age at which a person can independently decide whether to use the services of criminal human smugglers.

It is therefore important to ensure that those aged 16 and older are not released among the Canadian public until we identify them and determine if they took part in organizing the criminal smuggling event, or if they pose a risk to the safety and security of Canadians and their families. This is what any responsible government would and should do.

I would point out that 16 is the age at which Canadians are considered independent and provided with certain privileges in a number of areas. For example, 16 is the age at which Canadians can obtain a driver's licence. This is a significant responsibility and infers that age 16 is the appropriate age to provide someone with that kind of responsibility.

Furthermore, I question the amendment of changing the age from 16 to 18 when one considers the position of the Liberal Party on other issues that deal with what age a person should be to be

considered legally responsible for their actions. The most obvious example I cite today is the Liberal position on the age of consent. Our Conservative government increased the age of consent from 14 to 16 in order to protect minors, but at the time, the Liberals fought against this change. They argued that at age 14 individuals are responsible enough to choose to engage in sexual relations and deal with any consequences of those actions. How is it they are now arguing that age 16 is too young to be responsible for choosing to use the services of criminal human smugglers? They either think 14 is the age when individuals should be able to make independent decisions and be held accountable for their actions or they think it is age 18. It cannot be both.

• (1710)

Our Conservative government thinks 16 is the appropriate age for the detention provisions in Bill C-31 to apply. I should point out that, as we said, these are irregular arrivals. We have only had three incidents in the last 20 years. It is in anticipation of the next irregular arrival that we are looking at the mechanism to deal with a potential mass arrival. For children under 16, detention would be the last resort. We would look at what is in the best interests of the child. The minister and the officials all spoke about how carefully they would be working with provincial counterparts to ensure their protection. Therefore, in light of the urgency of this bill and the need to really protect the integrity of the entire system, I will simply state that we will be opposing this amendment.

Hon. Mobina S.B. Jaffer: May I ask whether Senator Martin will accept a question from me?

Senator Martin: Yes.

Senator Jaffer: Thank you for your remarks. I understand when you talk about people being brought to our country via the smuggling route. However, the way I have understood this bill that is before us, the minister can designate people that come in a group. A group is defined as two or more people, not just on the boat. They can come in any way to our country. The minister can designate them as foreign nationals, and, if a 16-year-old Somali boy flees Somalia and arrives here on a plane with a group of other 16-year-olds, the minister can consider them to be a designated group. Then that young boy who has fled a terrible situation can be sentenced to prison. We heard that there are only 229 detention places in the refugee system, so most of them would go to prison. In addition to that, we have heard that Australia and the U.K. have stopped sending young people — 16-year-olds — to jail. In fact, the United Kingdom has paid tremendous sums of money in compensation. When Australia and the U.K. have abandoned this system and when the system that France follows does not send children to jail, why are we sending 16-year-olds to jail?

Senator Martin: It is not jail. It is detention, and there are detention centres. In the cases that the honourable senator described, I will not speak for the minister as to what would happen other than to state what we heard in committee. If the arrival of such a group would require the kind of time and attention that we had heard because of the complexity of assessing identification, as well as admissibility, those are the key considerations. I would think that they are very rare occasions

that the minister would treat with extreme care and caution and, of course, with the responsibility that would fall upon him as that minister.

As for other jurisdictions, I know that the U.K. does not. It is a very different system, so costs related to their system are not something we should compare to Canada. However, other jurisdictions have such detention. In this amended Bill C-31 —

The Hon. the Speaker: I am afraid that the honourable senator's time has expired.

Senator Eggleton: Five minutes.

Senator Martin: I will state that the cases that you are talking about —

The Hon. the Speaker: Is the honourable senator asking for an extension of five minutes, and does the house agree?

Senator Martin: Yes, may I have an extension of five minutes?

Hon. Senators: Agreed.

Senator Jaffer: May I ask a supplementary? Oh, sorry.

Senator Martin: I would simply say that, in the case that the honourable senator described about the Somalian boy coming on his own, we heard that such cases are 0.05 per cent of what we have experienced so far in Canada.

We clearly heard from the minister and the officials that we need to be very vigilant, and this will be under review in three years as well. The concerns that the honourable senator raised are important. From what we heard in the committee as well as what we heard in the house, as the honourable senator knows, there are attempts to ensure that all of those rights are clearly upheld and that Canada is being very responsible in how it deals with these situations.

Senator Jaffer: I know the honourable senator also cares about the issue that I care about — 16-year-olds. However, my serious concern is that the minister has no power. Under the bill, it will be mandatory detention. The minister will not be able to exercise discretion. Under the bill, there will be 14 days and then a review, not to be conducted for another six months. It is mandatory detention of the 16-year-old.

Senator Martin: What we have heard, just in general statistics, is that, if it is a legitimate, very clear, compelling case, every person will receive a fair hearing. Of those that were held in mandatory detention, on average 35 to 40 per cent were released within 48 hours.

In the case of the unaccompanied child, we heard that it was 0.05 per cent of the cases that were seen.

I do share those concerns, and these were questions that I also asked. We need to exercise extreme care and caution in all of these cases, and they are very extreme cases.

Senator Eggleton: Will the senator take another question?

Senator Martin: Yes.

Senator Eggleton: The honourable senator seems to be relying on a lot of statistics here — 0.05 per cent or whatever — but these are human beings we are talking about. Not all of them are guilty of anything. A lot of them are quite innocent, and a lot of them are children.

The honourable senator refers to detention centres. Detention centres are not pretty places. They are not motels. They are a place where you put criminals as well, and there are a mixture of kids. I do not know how the honourable senator justifies this.

The other thing that I do not know is how the honourable senator justifies this and I would like her to comment on is why the person who is designated as an irregular arrival and becomes a designated foreign national is treated so differently from any other refugee claimant that they have to wait for five years before they can even apply for residence or start to get their family.

What kind of humane way is that to treat a family when — let us say that it is a man — it might be six to eight years before he can be with his wife and kids again? That is not a humane way of treating people, is it?

Senator Martin: Again, these are very extraordinary situations. In the last 20 years we know of the three incidents. We also heard that this is an international network, and so this bill attempts to include those disincentives to the pull factors for those who are considering becoming a part of the smuggling ring or business to come to Canada in this sort of unorthodox way.

Having said that, I do share the concerns that were expressed about that, but, as we heard — the honourable senator was on the committee as well — with children under 16, we are looking at what is in their best interests, whether it is to stay with the family or otherwise. They may have family in Canada, so that would be first considered, as would, perhaps under the provincial system, places that they could be sent to.

Again, in the best interests of the child, these will be very carefully considered, case by case. I do appreciate the concern that the honourable senator is expressing today.

[Translation]

Hon. Maria Chaput: Honourable senators, I also want to take part in the debate on Bill C-31.

Some immigrants choose to come to Canada, but Canada also welcomes people who are fleeing extremely desperate situations. Canada has a responsibility to ensure that all those seeking asylum in our country are treated fairly, because Canada is a compassionate country and a refuge to those seeking protection from violence and persecution.

• (1720)

[English]

As my honourable colleague, Senator Mobina Jaffer stated:

This bill represents our government's attempt at protecting the integrity of Canada's immigration system by helping to ensure that it is fair, consistent and efficient. Unfortunately, this bill fails to meet each and every one of those objectives. Not only does it fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and that are in direct contradiction with Canada's international obligations.

Bill C-31 is yet another example of an omnibus bill as it combines earlier anti-human smuggling bills which were presented in the form of C-4 and C-49, and sets out a number of proposed amendments to the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act.

Senator Jaffer has also pointed out:

... Bill C-31 can potentially deny genuine refugees access to family, which violates security of the person. In addition, this bill can also lead to increased detention periods, which violates one's rights to liberty. Section 9 of the Charter states that individuals have the right to not be arbitrarily detained. However, Bill C-31 imposes a detention period without review until the expiration of six months and fails to uphold the right as the minister is not held accountable for the prolonged detentions.

Finally, section 10 of the Charter states that an individual is guaranteed the right to prompt review of detention. However, under Bill C-31, if an individual is identified as a designated foreign national, they are detained and eligible for review only after six months, which is in contrast to the Immigration and Refugee Protection Act, which states that foreign nationals should receive a review 48 hours after they have been detained.

[Translation]

I will now read an excerpt from a document prepared by the immigration critic for the Liberal Party of Canada, Member of Parliament Kevin Lamoureux:

There has been a lot of discussion about the Conservative government's new "super visa" in the community recently, but unfortunately it has turned out to be an insult to families desperate to bring their parents here.

The super visa was supposed to bring families closer together by allowing parents and grandparents to visit their children in Canada for up to two years at a time over a decade.

But the reality is that most families won't be able to afford the high costs involved with the visa, including meeting minimum salary levels and paying thousands for

private health insurance. All of this is assuming the application is even approved, and we all know how difficult that has become under the Conservatives.

Worse, the super visa controversy is distracting attention from the Conservatives' decision to freeze parental sponsorship applications for two years — breaking a promise to new Canadians. For some, having the right to sponsor their parents is the reason why they chose to come to Canada. What the Conservatives have done — no matter what their excuse — is not right.

... In contrast, the Liberal Party of Canada believes in reuniting families. In government, Liberals worked closely with immigrant communities leading to a fair and flexible immigration system. Indeed, more immigrants have been welcomed in by Liberals than by any other party in Canada.

Only with a Liberal government in Ottawa will Canada have an immigration policy that puts the concerns and needs of immigrants first.

Honourable senators, as the Honourable Senator Mobina Jaffer said:

[English]

The United Nations Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18.

Honourable senators, the fact that this bill calls for the unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all of my honourable colleagues to revisit these provisions and adopt the definition of a child that reflects the one set out in the UN Convention of the Rights of a Child, adjusting the age requirements from 16 to 18 years. . . .

In its present form, Bill C-31 violates Article 37 of the United Nations Convention on the Rights of Child, which states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. . . .

We must remain mindful that, when dealing with children, it is our responsibility to always protect their interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres where they will experience a heightened risk of suffering from several mental and behavioral health issues, not to mention the emotional distress of being in a new country separated from their loved ones.

... Canada has a very proud and well-earned reputation for being exceptionally tolerant and an accepting nation, a nation that has always been generous to those who have

sought refuge and protection. However, this has not always been the case. Our government once imposed a head tax on all Chinese immigrants, refused to allow African farmers to immigrate into our country, and incarcerated Ukrainians and later Italian and Japanese Canadians. We have before us in the Senate a motion introduced urging the government of Canada to officially apologize to all of those individuals who were targeted by Canada's discriminatory policies and who were turned away from entering Canada in 1914.

Our government has realized their wrongdoings and chosen to redress these historical wrongs. . . . Our government has also pledged to never repeat these mistakes.

We must learn from our mistakes and ensure that we do not repeat historic wrongs.

[Translation]

In a June 18, 2012, press release, MP Kevin Lamoureux said:

The Conservative government's planned cuts to Interim Federal Health Program services will mean that individuals fleeing the most desperate circumstances will no longer have access to essential healthcare services.

As a signatory to the United Nations Convention relating to the Status of Refugees and the 1967 New York Protocol, Canada has a responsibility to ensure the equal treatment of those seeking asylum within our borders, and that means ensuring their access to social services, including healthcare.

The Conservatives are making this an issue of "us" versus "them," rather than sending a strong message that Canada is a compassionate nation. Our country has long been a safe haven for those seeking protection from violence and persecution, yet this government continues to rip away our welcome mat to the world.

Liberal Health critic Dr. Hedy Fry continued:

This government's decision to eliminate upfront care for refugee claimants will inevitably lead to undiagnosed and untreated problems, and in turn greater health complications and higher costs to our healthcare system. In addition, as is the case with many of the Conservative cuts, it will simply download responsibilities on the provinces and territories, which will now bear greater costs for refugee healthcare.

Honourable senators, on June 20, 2012, World Refugee Day, the Fédération des communautés francophones et acadienne du Canada, which includes francophone organizations from nine provinces and three territories, issued a news release that said:

Many of the immigrants who settle in our communities are refugees, and we know what kind of challenges they face. We think it is important to set them up for success in Canada. That is why we are concerned about the impact of recently announced modifications that will change how refugees integrate into our society.

[Senator Chaput]

Over 13 per cent of French speakers outside Quebec are immigrants, and refugees make up a significant proportion of those using reception and integration services in francophone and Acadian communities. These people have specific needs, and over the years, we have created services to meet those needs directly, thereby helping refugees become active members of our communities and Canadian society, explained Ms. Kenny.

• (1730)

The FCFA is particularly concerned about how the proposed changes will affect family reunification. With these changes, refugees will have to wait five years before they can apply to sponsor their families, whereas in the past, they were able to apply as soon as they received their permanent resident status.

The Fédération is also very worried about the restrictions on refugees' access to medical services, which mean that asylum seekers and refugee claimants will no longer have any medical coverage until their case is heard and they are granted refugee status.

Our communities are committed to working hard to recruit and welcome immigrants — including refugees — and to help them integrate into society so that they can succeed and contribute to our collective well-being. However, it is important to understand that if refugees have to wait several years to be reunited with their families and if they have difficulty accessing health care, this will have an impact on our efforts and on our results, said Ms. Kenny.

Honourable senators, Canada has a duty to welcome with compassion anyone who seeks refuge in Canada and to ensure that all refugees are treated fairly.

[English]

Hon. Terry M. Mercer: Honourable senators, I rise before you today to speak at third reading of Bill C-31, protecting Canada's immigration system act, Bill C-31 amends the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

I would first like to thank Senator Jaffer for her leadership on this file. She has been on this file for so long, and I would like to thank her for that on behalf of every Canadian.

Some Hon. Senators: Hear, hear.

Senator Mercer: Bill C-31 makes a number of changes to Canada's inland refugee determination system by amending the Balanced Refugee Reform Act and by introducing entirely new provisions. It also amends the inland refugee determination system with respect to irregular arrivals of refugee claimants through provisions substantially similar to those previously introduced in Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act.

Bill C-31 also amends other areas of immigration law, notably by providing for the collection of biometrics from temporary resident visa applicants and expanding opportunities to sponsor immigrants.

After reviewing this bill, it has become very clear to me that it demands our attention. Although there are a number of provisions that need to be closely examined, I would like to focus on a few that are of particular concern to me.

Immigration is an important issue to me. Growing up in Halifax, we were well aware of the impact Pier 21 had on this country. One simply has to walk down the street to see the different cultures that have shaped the communities of Halifax, and indeed last weekend there was a demonstration of a community fair representing all kinds of cultures in Halifax, which could happen in any community across the country.

Pier 21 was the gateway to Canada for 1 million immigrants between 1928 and 1971 and served as a departure point for 500,000 Canadian military personnel during the Second World War. Immigrants have helped shape Canada's identity. That is why any bill that hinders the process of immigration to Canada by violating an individual's rights is just plain wrong.

Honourable senators, Bill C-31 not only clearly violates the Canadian Charter of Rights and Freedoms but also is inconsistent with a number of Canada's international obligations. For example, section 7 of the Charter states that everyone has the right to life, liberty and security of person. However, Bill C-31 will potentially deny genuine refugees access to family members, which I believe violates security of the person. In addition, this bill could lead to increased detention periods, which violates one's right to liberty.

Section 9 of the Charter states that individuals have the right to not be arbitrarily detained, but Bill C-31 imposes a detention period, without review, until the expiration of 12 months and thus fails to uphold this right as the minister is not held accountable for prolonged detentions.

Finally, section 10 of the Charter states that an individual is guaranteed the right to prompt review of detention.

However, under Bill C-31, individuals who are identified as designated foreign nationals are detained and eligible for review only after 12 months. This is in contrast to the Immigration and Refugee Protection Act, which states that foreign nationals will receive a review 48 hours after they have been detained. That is quite a difference.

Honourable senators, several factors lead one to seek refuge or to emigrate to a new country. Over the past several decades, political upheavals, conflict and persecution, as well as food and economic crises, have motivated individuals from all walks of life to immigrate to Canada, a country full of opportunity and promise.

Not only does Bill C-31 fail to recognize the dangerous and life-threatening circumstances that many men, women and children are confronted with, it also makes these individuals feel

unwelcomed and treats them as though they are criminals rather than victims. That is not the Canadian way; that is not how we want the world to see us.

Although I find many aspects of this bill exceptionally troubling, one of the most pressing concerns is the impact this piece of legislation will have on children. As a signatory to the United Nations Convention on the Rights of the Child, Canada has made a commitment to always ensure that civil, political, economic, social, health and cultural rights of children are protected. We as a country have an obligation to honour that commitment and do everything we can to protect the world's most vulnerable population, our children.

As many of you know, Senator Munson and I, along with Senator Cochrane, our newly retired colleague, have taken up the torch of children's rights since Senator Landon Pearson retired. We are pleased that this year Senator Martin will be joining us to help out with the child's day. Over the years we have seen the large impact children have on our society. New immigrants to Canada only augment this effect as they bring their children with them to the promise of a new future.

Honourable senators, the UN Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18. The fact that this bill calls for unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all honourable senators to revisit these provisions and adopt the definition of a child stated in the UN Convention on the Rights of the Child, adjusting the age requirements from 16 to 18.

Moreover, Article 37(b) of the United Nations Convention on the Rights of the Child, to which Canada is a signatory, states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time . . .

That is pretty clear. In addition, under provisions of Bill C-31 that discuss irregular arrivals, children who are 16 and 17 years of age who would under this bill face mandatory detention will be separated from their families as the facilities are segregated by gender, meaning a child would be unable to be accompanied by both parents.

This is in direct contradiction of Article 9.1 of the UN Convention on the Rights of the Child, which discusses forced separation:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents . . .

That is pretty clear.

• (1740)

Honourable senators, we must be clear that when dealing with children, it is our responsibility to always protect their best interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres, where they will experience a heightened risk of suffering from several mental and behavioural health issues, not to mention the emotional distress of being in a new country, separated from their loved ones.

In fact, as mentioned earlier, both the United Kingdom and Australia implemented policies very similar to this one we are debating. However, both Australia and the United Kingdom later rescinded these policies, as they realized the detrimental effects they had on children who are desperately seeking asylum.

Having proven that policies of this nature are clearly harmful to children, we must ensure that we learn from the mistakes of other nations and do not neglect to properly assess the impact these provisions would have on children. We should learn from their mistakes.

Honourable senators, we have a duty to Canadians and to the thousands of refugees who come to Canada every year to take the time required to properly study and debate Bill C-31. More important, we have a responsibility to protect the world's most vulnerable population, our children.

Let us honour the spirit of multiculturalism and embrace new ideas, just as Pierre Trudeau did in reforming immigration in the 1970s. Let us not close doors and impede immigration in this country. Remember, other than our First Nations people, we have all come from someplace else.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, I also want to speak to this bill. I believe the government is taking a heavy-handed approach to solving a problem that is controllable. It is irresponsible to use a time allocation motion for a bill of this nature.

I am moved by the sensitivity of Senator Martin, the sponsor of the bill, and Senator Jaffer, who has criticized the bill.

Senator Martin comes from a country that entered into war 62 years ago this past June 25, which is my birthday. That war created many refugees and left many people in distress.

That brings me to my own personal story. After the Second World War, my mother, who is Dutch, and I, who was born in the Netherlands, crossed the Atlantic on a Red Cross ship to Pier 21 in Halifax, where we disembarked and boarded a Red Cross train that was crossing the country.

The interesting thing is that although all these foreign nationals were able to board these ships and trains, there was not always someone waiting for them on the other side, because some had gotten married or had disappeared. Some soldiers had grown close to people overseas, which sometimes meant, for a war bride and her children getting off the train in Saint Louis-du-Ha! Ha! in

the middle of the night in December, that there was no one at the station to greet them. In other cases, families and friends waited in vain at the station for a soldier who never arrived, because he had turned his back on his responsibilities to the wife and children he had left behind.

Communities and the Red Cross took care of them, particularly those who no longer had any reason to be in Canada. Did we deport them, or did we try to keep them in the country so that they could integrate into their new community?

Vietnam is another example. Lots of Vietnamese boat people came to Canada. Ultimately, we realized that their arrival did not have a negative impact on our communities despite the fact that they were Vietcong, spies from the north, subversive people. On the contrary, we immediately accepted them as refugees and welcomed them as best we could at the time.

That brings me to more recent cases, including that of Senator Jaffer, who came from a war-torn country. These days, more and more countries are imploding, internal political and economic structures are collapsing, and huge numbers of people are expected to end up in refugee camps. Most of these victims are women and children because in these countries, nearly 50 per cent of the population is under the age of 15. As a result, the number of children without parents or guardians could rise dramatically.

I am raising these points to emphasize some of the major repercussions of this complex omnibus bill.

I speak from personal experience. My foundation in the Quebec City region helps children of refugees integrate into the community. I have also done research on child soldiers living here and others who are trying to get into the country but who have run up against laws that prevent them from coming here unaccompanied.

Former Senator Pearson now works with children, in particular abused Aboriginal children, both in Canada and abroad.

All that to say that I am familiar with the issue of children and youth who are not refugees, but who live in conditions of extreme poverty and destitution. We are not neophytes; we are knowledgeable about such matters. We have known and worked with people experiencing difficulties, and we have tried to help and to rectify the difficult situations in which they found themselves.

In this context, I must first tell you that I agree 100 per cent with Senator Jaffer's amendments. These amendments are well-thought-out and jeopardize the bill that you are in such a hurry to pass because a deadline was set in advance.

It is your fault if you introduced a bill with such a short deadline and then attempted to introduce another, saying that it must be passed quickly, otherwise the former law will be invalid and will cause you more problems.

That is your problem. Ours is to try to bring to your attention the possible mistakes that you are making in your zeal to pass bills that are not negligible in scope.

We are not here to deal in statistics. That point was raised by Senator Martin when Senator Eggleton asked her a question. Unaccompanied children represent only 0.4 per cent of all people who enter the country. A weapon or a truck that works at 99.6 per cent of its capacity is very efficient, and an engineer would be very pleased to have a system that operates at 99.6 per cent efficiency.

But there is a small problem in this case. We are not talking about a truck, a weapon or an engineering problem. We are talking about human beings.

• (1750)

Under the Charter of Rights and Freedoms, all human beings — whether we are talking about one, one hundred or one thousand — are equal. No one is more human than everyone else. No one is entitled to more attention than everyone else; everyone is entitled to attention, in accordance with the fundamental laws of this country.

We do not need statistics thrown at us, but we must think about whether we are meeting the needs of the human beings who are coming to our borders, whether they arrive by boat, plane or other means that we have yet to imagine.

All humans have the right to be treated humanely, in accordance with our laws and our established charters. If the government wants to create laws with exceptions, it must not say that we have fundamental laws and a strict rule of law. It should say that our laws contain exceptions because there are some people who matter and others who matter less. There are real humans and there are less-than-humans.

This bill contradicts the positive evolution that the international community is trying to achieve in recognizing human rights, and particularly children's rights. Why the focus on children's rights? Because, as I mentioned earlier, we live in an age where civilian populations are not only victimized, but also targeted by war. These populations are primarily made up of women and children. In many cases, children make up the majority of the population.

We are not talking about exceptional situations involving people who could perhaps arrive at our borders by boat or other means, whether accompanied or not. We are talking about the fundamental nature of the conflicts that exist in today's world. The civilian population, which is the target, is also inexorably the victim.

Still, it is reasonable to expect the government to protect our safety in relation to the complex scenarios that these wars can create and that will incite refugees to try to come to Canada.

I would like to draw your attention to something a Conservative MP said recently in the other place. I think it speaks volumes about the spirit underlying the bills the Conservatives want to pass so swiftly and with so little consideration.

The Conservative member's name is Ted Opitz. Here is what he said:

[English]

I know something about war zones. They're not black and white. A lot of the people who come aboard those ships are ones who have pioneered suicide bombers, the use of child

soldiers, and all kinds of things. So when all these people come here and we don't know who they are . . . Canada has a right to defend its integrity, and it has a right to defend Canadian families. If we don't know exactly who those individuals are, it's in Canadians' best interests. . . . I'm sure that if these guys get off the boat, you're not going to be inviting them into your home until you know who they are.

[Translation]

I agree with that, if we are talking about the logic of the laws we have created, but not in a context where the government wants to go against the international rights that Canada has so passionately defended. The international community, particularly through the United Nations Under-Secretary-General on the rights of the child, reminds us that we should be concerned about children's rights, particularly when we are introducing new legislation that goes against the fundamental philosophy that our country has been defending for decades now on the international stage.

When we go to those countries that Canada is trying to help, people ask us: What is happening in Canada? Why does everything seem to be changing? Why this viciousness and paranoia so suddenly in these bills and procedures? Why is Canada taking such extreme positions that are so contrary to our way of thinking? For these are not small, trivial changes. They fly in the face of the fundamental philosophy that our country developed and has defended and that has been emulated by a number of other countries around the world, because people felt that what we were advocating made sense.

This bill proposes restrictions such as the age criteria of 16 years. The government claims that a 16 year old should reasonably know which boat he was on. As soon as he boards that ship, he is necessarily involved in an illegal immigration process and, because he is 16 or 17 years old, he is old enough to be aware of that fact. That is not true. Allowing a young person to drive a car is not comparable to the case of a young person who has been mistreated and used as a child soldier and who has managed to escape that situation and to come to Canada. Such a person will present himself to our immigration officers and will be thrown in prison and treated as an adult; his ability to defend himself will be limited.

The Hon. the Speaker: Honourable senators, Senator Dallaire's time is up.

Senator Dallaire: Honourable senators, I request a few more minutes.

Hon. Senators: Agreed.

Senator Dallaire: Honourable senators, we do not have the right to toy with positions that have been already been taken at the international level just because perhaps, all of a sudden, the government wants to close a door. In this case, the government is not closing the door gently and carefully; rather, it is slamming the door on the fingers of young people to be sure they understand that we do not want them here if they are unable to meet our criteria and standards.

The plight of child soldiers in these countries is dire. Many of these children want to come to Canada. They have lost their families, their villages and everything around them. They have been mistreated and used. Under the protocol to the Convention on the Rights of the Child, anyone under the age of 18 must be considered a minor and treated in accordance with the conventions we have signed.

However, there is a small problem with that: some of the conventions that we have signed have not been reflected in our laws. Accordingly — and this is particularly true of Bill C-31 — this allows us to play with numbers, to play with ages, to use the age of 16 instead of 18 as the point of reference, because we have not changed our laws to reflect those conventions.

If changes are needed, they have much more to do with a reflection on our history, our beliefs and, fundamentally, on our perception of the rule of law, human rights and the idea that all human beings are persons and have a right to be recognized by our laws.

In that context, our laws are based on the conventions that we have signed and that we have a duty to uphold. Furthermore, those who serve in uniform, those who serve in the diplomatic corps, those who serve in the area of development and those who work with NGOs all obey these laws and ensure that they are obeyed beyond our borders. Why are we incapable of ensuring that they are obeyed here at home?

I believe that this bill is an abuse of authority. It is an abuse of power. Yes, you are in power, but that does not mean you have the right to concoct anything you want and impose it on us, and that we will simply stand by and stop discussing these things. We are here to discuss them as long as we can, even if you limit our time. If we could, we would be discussing this much more thoroughly.

• (1800)

[English]

The Hon. the Speaker: Are honourable senators ready for the question?

The question is the motion in amendment of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, that Bill C-31 not now be read a third time but that it be amended.

All those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

[Senator Dallaire]

And two honourable senators having risen:

The Hon. the Speaker: Two senators rising, there will be a 15-minute bell. Therefore, the vote will take place at 6:15.

• (1810)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|------------------|------------|
| Callbeck | Hubley |
| Campbell | Jaffer |
| Chaput | Mahovlich |
| Cordy | Massicotte |
| Cowan | Mercer |
| Dallaire | Mitchell |
| Dawson | Moore |
| Day | Munson |
| De Bané | Peterson |
| Downe | Poy |
| Dyck | Ringuette |
| Eggleton | Robichaud |
| Fairbairn | Tardif |
| Fraser | Zimmer—29 |
| Hervieux-Payette | |

NAYS THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Manning |
| Angus | Marshall |
| Ataullahjan | Martin |
| Boisvenu | Meredith |
| Braley | Mockler |
| Brown | Nancy Ruth |
| Buth | Nolin |
| Carignan | Ogilvie |
| Comeau | Oliver |
| Dagenais | Patterson |
| Di Nino | Plett |
| Doyle | Poirier |
| Duffy | Raine |
| Eaton | Rivard |
| Finley | Runciman |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | Stewart Olsen |
| Housakos | Stratton |
| Johnson | Tkachuk |
| Lang | Unger |
| LeBreton | Verner |
| MacDonald | Wallace |
| Maltais | Wallin |
| | White—51 |

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1820)

The Hon. the Speaker: Honourable senators, the question before the house is on the main motion for third reading of Bill C-31.

Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Unger, that Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, be read the third time.

Those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Pursuant to the *Rules of the Senate*, the vote is automatically deferred until 5:30 p.m. tomorrow with a 15-minute bell.

POOLED REGISTERED PENSION PLANS BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Nancy Ruth, for the third reading of Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts.

Hon. Art Eggleton: Honourable senators will appreciate that Canadians are worried about their pensions. They are worried about whether they will have enough to retire. A recent survey of working Canadians between the ages of 30 and 70 years showed that only 17 per cent said they are prepared to retire and will have enough money to retire, while 83 per cent of those surveyed said they did not know how much they needed to retire on. Those statistics clearly indicate that many people are not sure about where they stand or whether they will be able to afford a decent standard of living in their retirement. Indeed, many of these people will end up falling below the poverty line. They will end up with a significant decline in their standard of living.

We have three pillars in our pension system to help people in their retirement. We have the Canada Pension Plan or the Quebec Pension Plan, as the case may be. Those amounts of money are

certainly far below any poverty line measurement at \$4,900 a year for women on average and \$6,500 for men. According to the OECD, we are very modest in what we are able to provide in terms of pension retirement plans.

In addition, we have Old Age Security and, in some cases, the Guaranteed Income Supplement. Also, there are work place pension plans, which are diminishing substantially. Only 23 per cent of people have workplace pension plans and 70 per cent do not have any workplace pension plan whatsoever. Those people have to rely on RRSPs, the equity in their home, or on other savings that they may or may not have.

According to Statistics Canada, the median pension savings in RRSPs is about \$60,000, which will buy a \$3,000 a year annuity — hardly enough. It is quite clear that people have not saved enough to be able to meet their pension needs.

The government is suggesting that Bill C-25 — pooled registered pension plans — is part of the answer. However, when we look at the bill, we see that they are not much different from existing RRSPs. They are very similar to group RRSPs and are locked in.

A person does not have much choice about whose PRPP they get locked into because the employer determines that. However, the employer does not necessarily have to contribute to it and the employer does not have anything to do with the administration of it, but the employee is the one who gets locked into it. Employees get locked in even if the plan turns out to be poorly managed and does not have much of a return on the investment. Employees cannot get out of PRPPs.

The pooling of this plan is also very small. For example, the big pooling entities such as OMERS and the Teachers' Pension Plan have a very broad pooling arrangement so that the ups and downs in the market are not nearly as problematic as they would be for smaller pooling arrangements.

When there is a downturn in the market, as there was during the recent recession, people paid a lot of attention to their retirement savings. They said, “My goodness — I have lost a lot of money in my plan. The market returns are not there to give me a decent retirement.” As a result, many people are talking about working longer to be able to make up for that.

There is no provision in the proposed PRPP in Bill C-25 to make up for those bad years. If the bill really is to help people, it should contain a provision that allows the employee to add money at a later time to help make up for those market fluctuations.

The CEO of the Canadian Federation of Independent Business appeared before the Standing Senate Committee on Banking, Trade and Commerce to speak to Bill C-25. He said at least three times that this bill is not a panacea. He said that maybe a third of their members would consider this — not that they would implement this, but they would consider it. By the same token, they are also saying that they cannot afford to get into these plans unless they make some other change to employee wages and benefits. That is not a net benefit to the employee at all.

• (1830)

This is a very problematic course to take. In fact, we should learn, since for some reason government does not learn from what previous governments have found out about this. I can think of Bill C-10 and the advice we got from the United States about the direction we were going there, which they said they tried and failed.

We just talked about Bill C-31 and talked in terms of the U.K. and Australia, both of which went down a similar path and decided it did not work and got out of it. Australia went down this path about a decade ago. In a recent study they found that earnings for pensioners, the employees, were really quite low and that the big winner was the financial service industry. That is due to the fact they stand to make a fair bit of money on fees.

The Canada Pension Plan and the big pension plans, like OMERS and Teachers' Pension Plan, operate on a fee basis. They call it "basis points," that is, about 50 to 65 basis points, 50 being half a per cent, but the witnesses at the committee said this plan would probably operate at about double that number. Half a per cent more over the long haul is a lot of money in terms of pensions. There is no guarantee that it would even be that low. There is nothing here but wishful thinking about the rate that might be charged. The rate could be up above 2 per cent, in fact 200 basis points in terms of the fee structure. Again, in Australia it turned out to be a lot higher than they had hoped or expected.

Honourable senators, there must also be something the Ontario government is concerned about because it is not embracing this plan. The plan really only directly covers federally regulated industries. In order to make this work across the board the provinces have to be part of it, but Ontario has questioned a number of things and they are not keen to get on board.

For example, on the matter of fiduciary responsibility, the adequate protection of plan members to ensure that people honestly and correctly deal with the investment of this money, the Ontario government is not satisfied that that framework in this bill has been properly addressed. They also raised the question of the low-cost objective. They are saying the same thing I just got through asking and the same thing that was a problem in terms of the Australian experience. There are no figures in here as to what the low cost will be. It is, again, just wishful thinking.

Finally, the Ontario government thinks any enhancement should be tied to the Canada Pension Plan. That is a lot of employees in that province who do not think this is the way to go.

I think that a much better way to go would be the Canada Pension Plan. It can be done in a way that is also voluntary, like this one. It is not compulsory. However, the benefit of going with the Canada Pension Plan and a supplementary "CPP2," in other words, is to tie into the Canada Pension Plan Investment Board. One of the good things about being tied into them is that they have a terrific track record and a terrific fee structure. Their fee structure is very low. That leaves more in the pockets of the people who are retiring.

In terms of retiring, there will be more and more individuals coming over the next couple of decades as the population ages more and more. That baby boomer bulk will mean a lot of

retirements. We face the distinct possibility of a real crisis because those people, by their own admission, will not have enough money on which to retire.

The other day, when I was speaking on second reading, Senator Di Nino asked whether I thought these people should take some responsibility for their own pension plans. Yes, they should. There is the CPP and the OAS, but yes, they need to contribute more. They obviously have not with respect to RRSPs because Statistics Canada says a median \$3,000 a year annuity is the most someone will get with that.

Here we have an opportunity for them to invest in a better way than what is being recommended in this bill, and that is a voluntary supplementary CPP. There may be improvements we should also make to the basic CPP. I happen to believe we should. However, I know some people are concerned if we go too far in that direction it can diminish the possibility of investments and job creation, and that could be true for small business. We need to have something that is better than this bill if we really want to deal with the issue seriously.

Honourable senators, one could take the view that it is better than nothing, or what do we have to lose in trying it? The problem is that this will lull people into a false sense of security. It will give the government the opportunity to say it has done something when it really has not. This is really just window dressing. This is not the answer to the problem.

The answer to the problem, a voluntary supplementary Canada Pension Plan, will not cost the government any more money. It will not be a drain on the budgets of businesses, particularly small businesses. In fact, the CEO from the Canadian Federation of Independent Businesses said he would be fine with a supplementary CPP. He thinks that is equally a good idea.

Honourable senators, I think this plan is flawed and I would hope the government would do something far more serious about helping people with pension plans before it is too late. We are heading down a very slippery slope that will result in a lot of people heading towards poverty and a lot of people not having the kind of standard of life they thought they would get with their pensions.

Some Hon. Senators: Hear, hear.

An Hon. Senator: Question.

The Hon. the Speaker: Are honourable senators ready for the question?

It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Nancy Ruth, that Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts, be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker: Carried, on division.

(Motion agreed to and bill read third time and passed, on division.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Brown, for the third reading of Bill S-9, An Act to amend the Criminal Code, as amended.

Hon. Roméo Antonius Dallaire: Honourable senators, I rise today to speak to Bill S-9, An Act to amend the Criminal Code in order to combat nuclear terrorism.

I want to share some of my concerns regarding Canada's efforts in the fight against nuclear weapons. These concerns were raised when the Special Senate Committee on Anti-terrorism was trying to understand how Bill S-9 fits in with our fight against the proliferation of nuclear weapons. I would also like to recommend that we pass Bill S-9, but at the same time, I would like to share some of my observations.

• (1840)

Nuclear weapons are the most extreme massive violation of human rights imaginable. They are immoral, strike indiscriminately and violate our human right to peace and security in the world.

These terrible weapons of mass destruction not only threaten us as a species, but they threaten our humanity as well. There is simply no other threat or danger to Canadians and to global security that is as important as or more important than nuclear weapons. I appreciate the efforts made by the Special Committee on Anti-Terrorism and the remarkable leadership of Senators Joyal and Segal. The committee studied this bill with pragmatism, thoughtfulness and earnest reflection.

After extensive deliberation on the issue, there is no doubt that Bill S-9 will strengthen our country's ability to prosecute those who engage in nuclear terrorism activities.

Through the extraterritorial jurisdiction approach, the bill extends the reach of Canadian law where prosecution may have previously occurred in a legal vacuum. It also provides for extradition in the case of nuclear terrorism without the need for pre-existing bilateral agreements.

Canada is also a signatory to the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), which defines categories of offences and stipulates how those who commit nuclear terrorism offences are to be prosecuted.

The bill will expedite changes to our national laws so that they reflect this international obligation, something we can all be proud of.

[English]

As I have expressed before, however, the passage of this bill is nothing short of a calling to do more. Times have changed. In a strategic environment 20 years removed from the Cold War, the costs of a world imbued with the presence of civilization-destroying weapons far outweigh any technical advantages that they can deliver. They threaten our humanity just as much as they threaten us physically. To sit idly by and pass up opportunities to stem the tide of proliferation is simply unacceptable.

Following the conclusion of the new Start Treaty between the United States and Russia in 2010, President Obama made it clear that those cuts did not go deep enough. His critics called him naive and dangerously submerged in wilful thinking. They, and those who echoed their sentiment, were doused with cold water when a retired vice-chairman of the Joint Chiefs of Staff, General James E. Cartwright, the former commander of all U.S. nuclear forces, also called for deeper cuts. He told the world that the current nuclear arsenal is a relic of the past, a deterrent no longer capable of deterring the challenges of the 21st century.

Honourable senators, what General Cartwright recognized was a truth that we cannot let escape us. The truth is that nuclear weapons are not only horrendous weapons of destruction but also that we need far fewer of them than we possess now.

Canada is committed to participating in international efforts not only to fight proliferation but to fight nuclear terrorism as well, so says Bill S-9. We are one of the States Parties to the 1980 Convention on the Physical Protection of Nuclear Material, the CPPNM, which establishes measures related to the prevention, detection and punishment of offences related to nuclear material. This bill seeks to implement updating amendments made to that convention in 2005.

Bill S-9 is a strong step in the fight against that proliferation and the fight for the continued criminalization of nuclear offences. It should be supported. In fact, I am particularly proud to see that the amendment proposed by the Honourable Senator Joyal was accepted by the committee. This amendment prohibits the making of radioactive devices. While the verb "makes" was not included in the original text so that it would not expand the scope to include the legal production of radioactive materials, this amendment is very specific about relating only to the making of a device. The making of a radioactive device is just as much a danger to this country as is the acquiring of the necessary materials to do so.

To paraphrase Senator Joyal, the making of a bomb should be a preoccupation to anyone who deals with nuclear materials. His amendment properly addresses this and serves to more directly input the safeguards outlined in Article 2 of the CNS, which is the agreement. It is, furthermore, a testament to our policy of being tough on terrorism.

This is one of the rare times where I certainly agree with that qualifier.

Nevertheless, I must remind the Senate that we must be vigilant in the implementation of this legislation and steadfast in our promotion of the global governance of nuclear weapons. Of particular concern for me is security at civilian nuclear facilities in Canada, which altogether house hundreds of kilograms of enriched material, material essential to producing weapons. In fact, when Matthew Bunn, an eminent scholar at Harvard University and a former White House adviser in the Office of Science and Technology Policy, spoke to the Special Senate Committee on Anti-terrorism, he pointed out that not only are the security measures at the over 100 research reactors in the world that still use highly enriched uranium extremely modest but also all of the cases of theft have been perpetrated by insiders.

It is not uncommon for private security firms often used to patrol and guard civilian nuclear sites to be plagued by poor regulation, oversight and personnel management, let alone cost-effectiveness processes. Do more with less. They have been accused of not having sufficiently comprehensive background checks, licensing requirements or training. It is, indeed, all too common, according to a 2002 Law Commission of Canada report, to hire applicants at these firms one day and have them in uniform and on patrol the next. In fact, in Canada, with the exception of New Brunswick, a criminal record does not deny a person licensing if a security company wishes to make a case for an employee. Compare this to what the military requires in incredibly extensive security checks, continuous review of these checks, and constant upgrading of training and capabilities to be prepared to use those weapons. These private security firms, which are often employed to patrol and guard civilian nuclear sites, may, therefore, represent a prime target, the weak link that could be exploited to gain access to nuclear materials. Rigorous regulation, ongoing oversight and strong personnel security measures are essential to mitigate this risk. This is a significant risk.

Though many of these elements are already in place here in Canada, I nonetheless wish to underscore the importance of maintaining an adequate security posture, one that addresses all potential attack vectors, including insider threats. Equally important is the need to provide for ongoing review of accountability for these security measures, including rigorous and regular screening of employees, not every 10 years as required in certain provinces — and many are fighting to be done every five years — but at a far more accelerated pace, every two or maybe three years at most. Those are the criteria used within the military milieu. Every year we review the security capabilities of those individuals.

• (1850)

I suggest that the Canadian Nuclear Safety Commission also consider adding a specific section on personnel security in its annual report so that we see what those reviews are and we are able to validate them with a sort of inspector general oversight.

I had attempted to have these suggestions included in the observations attached to the committee's third report. Having not received the full support of colleagues from both sides of the committee table, I am now making these observations here at third reading. That is to say, the majority won and my colleagues and I on my side lost.

[Senator Dallaire]

Professor Bunn explained to the committee that the al Qaeda terrorist network has made repeated attempts to buy stolen nuclear material in order to make a nuclear bomb, a dirty device. They have indeed tried to recruit nuclear weapons scientists, including two extremist Pakistani nuclear weapons scientists who met with Osama bin Laden shortly before the 9/11 attacks to discuss nuclear weapons — an option. This is all the more reason why the security of Canadian nuclear facilities is of paramount importance. Nuclear terrorism, according to Professor Bunn, remains a real and urgent threat. If the world power panicked after two towers came down, what will happen when half of Atlanta is wiped out by a dirty nuclear device?

I have stated before that the problem of nuclear terrorism cannot be seen in isolation. It is but one facet, albeit important and not insignificant, of the overall problem of nuclear weapons. The physical security of our nuclear facilities is a top concern. This year, our country was ranked tenth overall on nuclear security by the Washington-based Nuclear Threat Initiative, NTI. That places us in a three-way tie with Germany and the United Kingdom out of 32 nuclear-capable nations. Canada received perfect marks in a number of categories, including adoption and compliance with safeguards, lack of corruption, the presence of an independent regulatory and control and account procedures.

The score was dragged down, however, in part because Canada has not yet ratified the 2005 amendment to the CPPNM or the Nuclear Terrorism Convention. However, the passage of Bill S-9 will go a long way to solve that. It was only seven years in the making.

We also scored only eleventh on our physical security, a rather shameful score for a developed country that possesses hundreds of kilograms of fissile material. Indeed, it was our possession of that much material that worried the NTI group, for with it comes a much greater onus to protect it. We must not become idle when handed report cards like this. We need to progress.

The Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism are just two of Canada's many commitments into which Bill S-9 will fit. The obligations resulting from these agreements, when contrasted with Canada's lack of progress, not only show the potential and importance of the bill but also remind us of how far we still have to go. We have taken a fundamental step. Now we just have to continue moving forward. It is not a time for status quo, for status quo is not a straight line; status quo is regression, as status quo cannot be sustained.

[Translation]

Many believe that a nuclear weapons-free world is nothing but a dream. Many nuclear weapons proponents act as though not having these weapons would be an unacceptable loss. They are the ones holding the world hostage while we are fighting to ensure that our fissile materials, components and related devices do not fall into the hands of terrorists or rogue states.

They are the ones who undermine our credibility when we talk about non-proliferation. Our progress is hindered by states that cling to a military doctrine of nuclear deterrence as a way to exert their authority. They do seem to be paring down their arsenals somewhat, but we know that other states are working to upgrade their arsenals and their delivery systems.

Nuclear powers claim that they have to maintain their arsenals as long as nuclear weapons exist. According to the convoluted logic that led to the nuclear arms race during the cold war, the level of security afforded by nuclear weapons depends on their deployment and the desire to use them.

Honourable senators, I recently had the opportunity to write a letter to a high school student who asked me, as only young people can, whether I thought there were any ways to help people in danger of experiencing a tragedy like the one that devastated Rwanda. I told her that I knew what it was like to be in a place where everything was falling apart and that I was familiar with the attendant feeling of powerlessness.

I encouraged her not to surrender to something that seems insurmountable, to give up in the face of adversity, but to persevere and face the storm because no matter what problem the people of this planet face, there is and will always be hope.

That day, I was writing about Rwanda, but I am convinced that this encouragement, this willingness to hold on to hope also applies when we are talking about nuclear weapons. Fortunately, the world has not crumbled, but we have been living on the edge of disaster for 60 years.

As long as nuclear weapons remain one of the only true threats to all humanity, we must continue to always be vigilant and to take a preventive approach.

We must not lose hope. We must pursue the Pugwash movement — a movement to oppose nuclear weapons that is named for the place in Nova Scotia where it was created by 1995 Nobel peace prize winner Cyrus Eaton. As the Honourary Patron of the Pugwash Peace Exchange, I accepted that prize and placed it in that very special place in the Village of Pugwash.

Such an initiative would demonstrate the desire of Canadians to maximize our efforts and to move toward the elimination of useless weapons — weapons that cost billions of dollars but that have no intrinsic military value.

Honourable senators, I am here to speak not only of our successes but also of our failures and our problems. At every stage, we have to think about the problems that still need to be resolved, the shortcomings that must be addressed and the obstacles that must be overcome to eliminate a weapons system that, fundamentally, is absolutely useless and threatens the safety of the planet.

By taking these issues into account and by continuing to be diligent in the challenges and work that await us, I encourage you to support Bill S-9 and to include in our country's plan for the future the fight for the non-proliferation and elimination of weapons that are costing us a fortune and putting us in danger.

To date, we have not invested \$100 billion in the environment, but, since the Cold War, we have invested over \$200 billion in modernizing nuclear weapons deployment systems. If a dozen of these weapons were deployed, the planet and all of humanity would be wiped out. This two-headed approach we are taking and passing on to the next generation is surely a reason to review the fundamental policies related to the safety of our country.

• (1900)

[English]

Hon. A. Raynell Andreychuk: Honourable senators, I simply want to put two short comments on the record. First, I would like to thank all those senators who, in my absence, stood in for me at the committee due to my medical absence from the Senate, and particularly the hearings that took place on Monday. I very much appreciated those who came forward on short notice. It is not easy to be replaced on a Monday committee and I do want to thank those senators for their kindness to me personally.

Second, I certainly hope that I will have some opportunity later to discuss the whole issue of global nuclear security and how Canada can and should proceed beyond what it is doing now as the situation changes in the world and Canada's position changes with it.

As the initial proponent of Bill S-9, nuclear terrorism, this bill was for the sole purpose of implementing the two conventions that have been referred to. It is extremely important that Canada continue this approach of using a separate mechanism, by way of a bill through Parliament, to ensure that we are implementing conventions. Putting other issues into the bill sends the wrong signals around the world. We want a clear signal that we are committed to international conventions and international standards. When we do so in a bill that contains the specific issue, it is a clear signal to those countries looking for reasons not to implement a bill or to delay the implementation of a bill.

I believe that Bill S-9 has accomplished what it set out to do, and I believe Senator Joyal's amendment was well within the two conventions and was a facilitating amendment for that purpose. I appreciate the attention that the committee and the Senate gave to these two international conventions.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by Honourable Senator Segal, seconded by Honourable Senator Brown, that the bill, as amended, be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

[Translation]

PARLIAMENTARY LIBRARIAN

SECOND REPORT OF JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT ADOPTED

The Senate proceeded to consideration of the second report of the Standing Joint Committee on the Library of Parliament (*appointment of Ms. Sonia L'Heureux to the office of Parliamentary Librarian*), presented in the Senate on June 20, 2012.

Hon. Michel Rivard moved adoption of the report.

He said: Honourable senators, the Joint Committee on the Library of Parliament has considered the certificate of nomination of Ms. Sonia L'Heureux to the position of Parliamentary Librarian. The committee approves the appointment. Together with all my colleagues, I offer my sincere congratulations to Ms. L'Heureux.

[English]

Honourable senators, Ms. Sonia L'Heureux is Canada's eighth parliamentary librarian and the first female parliamentary librarian.

Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY— SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Transport and Communications, (supplementary budget—study on emerging issues related to the Canadian airline industry), presented in the Senate on June 21, 2012.

Hon. Dennis Dawson moved the adoption of the report.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

IMPORTANCE OF ASIA TO CANADA'S FUTURE PROSPERITY

INQUIRY—DEBATE ADJOURNED

Hon. Vivienne Poy rose pursuant to notice of June 14, 2012:

That she will call the attention of the Senate to the importance of Asia to Canada's future prosperity.

She said: Honourable senators, in the past few years, we have heard a great deal about Asia with its vast potential, while the United States and the European Union continue to struggle to revitalize their economies.

As we grapple with the new global economic reality, Asia looms large in our collective imagination. While European banking institutions are ridding themselves of their global assets to shore

up their balance sheets, they are holding on tight to their wealth-management assets in Asia, believing China and the nearby Asian countries will be their growth engine.

Our own financial institutions have also set their sights on Asia, taking advantage of Asia's rising prosperity. However, many Canadians remain ambivalent or even uneasy about engaging more actively on political, economic and social issues with Asia. As of 2012, half of all Canadians view China's rising prosperity as more of an opportunity than a threat to Canada. Even though Canadian attitudes towards Asia have warmed slightly over the past year, the region still fares poorly in relation to its Western counterparts. India was rated favourably by only 14 per cent and China by 12 per cent of the respondents to a recent poll.

• (1910)

Canadians fail to realize that Asia matters to Canada, regardless of what Canadians think of Asia. Canadians need to face the fact that our trade relations with China alone surpass all our trade with the European Union and that those Chinese and Indian investments in Canada are increasing rapidly. On top of that, every year a large percentage of Canada's future brain power also comes from Asia.

In order to meet the need for public discourse, the Asia Pacific Foundation of Canada launched The National Conversation on Asia last year. Why? Over the next decade, Asia will become the global centre for innovation and technology. Asia has already become the world's greatest investor in new infrastructure, highways, rail, airports and cities with the world's most advanced architecture. As the world's leading manufacturer of mass consumer goods, it needs not only our resources but also our technologies and our expertise in education and governance.

Canada's long-term prosperity will depend on Canadian policy-makers' ability to understand and seize economic opportunities in this region. In order to succeed in Asia, Canada needs to develop a comprehensive strategy since we have fallen far behind our Western competitors.

We recognize that Canadian businesses, academic institutions, NGOs and our provincial governments have already developed close ties with Asia, and Canadians of Asian heritage have become important faces for Canada. The federal government finally sees opportunities on the Asian horizon, but our competitor south of the border is way ahead of us. Of the top 20 American companies, 100 per cent have operations in Asia compared to only half of ours.

The Asia Pacific Foundation of Canada's call is echoed by the Canadian Council of Chief Executives and the Canada China Business Council's 2011 report, which says that Canada must make the region a priority and that we must expand beyond dependence on the resource sector to reach new markets in Asia.

In this effort Canada has other natural assets that exceed those found in the ground. These are Canada's people, the entrepreneurial spirit of our diaspora population dispersed throughout the region, as well as our international and Asian Canadian student body, all vital resources yet to be fully explored.

I know Canada is often called an immigrant country. However, our national psyche needs to account for the fact that Canada is also an emigrant country, since over 8 per cent of our population lives outside our borders. Other than for movie stars and pop singers, the Canadian diaspora has often been viewed as a liability. It is time that Canadian residents and our government realized that this group is also a global asset to be harnessed for Canada's interests.

In the past 30-odd years, because of our low birth rate and ever-increasing senior population, Canada is drawing most of its labour force growth from immigration. With stringent requirements, newcomers to Canada have very high levels of education and relevant work experience, and the majority of them happen to come from Asia.

A major challenge over the next decade is how best to use this important resource effectively, as many of these immigrants remain unemployed or underemployed. The unemployment rate for new immigrants is almost double that for native-born Canadians.

Despite not having Canadian experience, migrant populations are often exceptional people because they are willing to take risks in the pursuit of opportunity. They are divergent thinkers who challenge the status quo, and they bring with them cross-cultural skills and international networks that are great assets to the Canadian economy.

In November 2011, a report from the auditing firm Deloitte sounded the alarm, noting that if Canada fails to use the skills of new immigrants, it risks hampering productivity and economic growth. More worrisome still, the report suggests that Canada will lose its newcomers to other nations who are more accommodating of global talent and Canada's brand will be tarnished abroad.

Let us take the example of internationally trained medical graduates who immigrate to Canada. In order to work in Canada as doctors, they must have degrees from accredited international universities. They must pass a series of exams, and, finally, they must complete their residency training in Canadian hospitals.

In Ontario alone, residencies for internationally trained medical graduates have only increased from 24 to 236 over the past decade. At the moment, there are an estimated 7,500 internationally trained doctors who have passed the exams but cannot get resident positions in our hospitals. Little wonder that Balvinder Singh Ahuja, who delivered a baby on an Air Canada flight, turned out to be a pediatrician with 25 years' working experience in India.

Having immigrated to Canada, he gave up his dream of working in medicine, even though he was admitted because Canada has a critical shortage of doctors. He is instead training to be a truck driver. What a loss to Canada.

Dr. Ahuja has settled in Canada for the sake of a better future for his children, but young, first-generation Asian Canadians and international students who study here are less likely to stay in Canada unless they can find jobs commensurate with their education and training. As global citizens, they will go wherever

they can find the best opportunities. For many, having knowledge of East and West can also mean that they can build bridges for Canada to Asia.

There are currently 2.8 million Canadians living and working abroad. Since the Canadian population is aging rapidly, the expatriate population actually makes up 12 per cent of Canadians of working age, which represents a sizeable portion of our taxpayer base.

Comparing native-born Canadians to foreign-born Canadians, the latter group is approximately four times more likely to emigrate. There are a number of policy questions arising from these facts for Canada. The first question focuses on retention: How can Canada make better use of the skills of our foreign-born population to benefit our economic growth and productivity within Canada?

There is another policy question we can ask, which takes into account the nature of this new, younger generation of the Canadian diaspora. As transnationals, many of them will leave and return, living between two countries and feeling equally at home in both. Recognizing this reality, we can reframe our assumptions and ask how we can realize the potential of the Canadian expatriate as a resource and cultural link, acting as a human bridge that connects us to valuable business opportunities overseas.

Instead of looking at expatriates and international students who move south of the border or those who return to their countries of origin as a loss to Canada, we can conceptualize them as the potential keys to increasing bilateral trade.

• (1920)

After virtually ignoring Asia for the first five years of its mandate, the government now has five bilateral free trade talks at various stages and Canada is negotiating to join the Trans-Pacific Partnership. Provinces such as Ontario, Alberta and British Columbia are very aware of this need to enhance trade ties and have called for greater cooperation in terms of an approach to Asia. It is important to note that a quarter of the global GDP is generated in Asia and that six of the G20 countries are in the Asia-Pacific region.

In April 2011, the International Monetary Fund stated that China's economy will surpass that of the United States in real terms by 2016 and that China will become the largest economy in the world. China is poised to replace Canada as the largest trading partner of the U.S. Both India's and China's populations will continue to grow. Much global innovation will continue to be generated in the Asia-Pacific region, and the future of the environment is dependent on the regions' investments in green technology. As of 2008, Asian inter-regional trade accounted for more than 56 per cent of total trade within the region. Regional manufacturing and service supply chains define much of global trade. Over 30 bilateral and multilateral trade agreements in Asia are fundamentally altering the global economic system.

We must have a holistic view of trade with the whole region while recognizing the need for different approaches with individual members. Two-way trade has increased between China and Canada as well as India and Canada. Much of the increase has occurred over the past year as Canada retreats from its dependency on the United States. However, in comparison with Australia, only 12 per cent of our trade compared to

50 per cent of theirs is with Asia. Australia has a similar-sized economy to our own. Now that Canada has approved destination status with China, we can increase our trade through tourism; and Chinese tourists are by the far the biggest spenders in the world. It is, therefore, in Canada's economic interests to encourage tourism from China and not to put obstacles in the way of potential visitors.

Our efforts to boost trade and tourism are not helped by the fact that we are nearly invisible in Asia. For example, most Chinese do not know where Canada is and only think of Canada as a place to go for clean air. In short, we lack brand visibility and rate unfavourably in comparison to small countries like Switzerland or the Netherlands. We are seen largely as a gateway to the United States. If Canada is to pursue more trade and cultural exchanges with Asia, a fundamental shift in thinking is needed among Canadians.

The Hon. the Speaker: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Poy: Five more minutes?

Hon. Senators: Agreed.

Senator Poy: The broader public, government and the business community need to support their effort. Despite the change in the world economies of the past two decades, Canada still turns to the United States or the EU expecting a renewal of these economies; but remember: The United States is over US\$1 trillion in debt to China, and the eurozone is in economic turmoil. According to former Deputy Prime Minister and Finance Minister John Manley, who is now President and CEO of the Canadian Council of Chief Executives, the United States' strategy is no longer a growth strategy. This means we need to turn our vision towards Asia as much of the world has already done.

This is not easy for Canada. There has always been a sense that there is a conflict between the East and the West, once famously framed as the clash of civilizations by the academic Samuel Huntington. However, for the sake of our future prosperity, we need to follow Australia's lead and realign our identity by understanding that we are an Asia-Pacific country.

As Yuen Pau Woo, President and CEO, Asia-Pacific Foundation of Canada, noted, the biggest challenge is not what we do in Asia but what we need to do at home. We need to recognize that Canadians in the next generation are global citizens who may choose to live anywhere in the world. If Canadians are to succeed, we must have cross-cultural skills, be multilingual and have a good working knowledge of international business practices.

This will require a fundamental policy adjustment. While we are focused on bilingualism, many other countries emphasize the learning of at least three languages. Change has already begun in some provinces. In Calgary, public school students are offered language programs in French, Spanish, German and Mandarin. In British Columbia, the Vancouver School Board is offering an Early Mandarin Bilingual program to all of its students.

Canada has several assets in this quest to create global citizens: multiculturalism, a diversity of cultures, and the proliferation of languages that already exist in Canada, which can act as a catalyst for a policy change. Canadians need to adapt, or we will be left

behind. Of course, education is the key. We need to establish a curriculum of Asian studies at all levels of education that includes the opportunity to learn Asian languages. While Asian studies and Asian Canadian studies exist at the university level, teaching at primary and secondary schools remains scarce. We need to encourage student exchanges with Asian high schools and universities, increase the number of international students from Asia, and encourage the crucial development of pupil-to-pupil relations.

Another aspect of education would be the establishment of a museum of migration in British Columbia, acknowledging the many immigrants who have arrived in Canada over the Pacific and acknowledging that Canada is an Asia-Pacific nation. The Pacific Canada Heritage Centre — Museum of Migration Society has been incorporated in British Columbia as a counterpart to Pier 21 in Halifax in order to tell Canada's national story. While Pier 21 does an admirable job in documenting the arrivals to Canada over the Atlantic, immigrants who came to Canada over the Pacific do not believe that it tells their stories or reflects Canada's current reality.

Canada has a lot of catching up to do. If we are to survive and prosper, our government should consider leading the strategy, since it is the state that leads many of the major Asian economies, such as Singapore, South Korea and China. We need to strengthen our relationship with the region that will only grow in importance for Canada's future prosperity, because the costs of inactions are too great to bear.

Hon. Joseph A. Day: I would like to thank the Honourable Senator Poy for her inquiry and presentation. I intend to participate in the discussion, but not this evening. Honourable senators, I move the adjournment in my name.

(On motion of Senator Day, debate adjourned.)

• (1930)

[Translation]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

Hon. Claude Carignan (Deputy Leader of the Government), for Hon. Irving Gerstein, pursuant to notice of June 20, 2012, moved:

That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, Tuesday, May 15, 2012 and Tuesday, June 19, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 29, 2012, to December 31, 2012.

(Motion agreed to.)

(The Senate adjourned until Wednesday, June 27, 2012, at 1:30 p.m.)

Tuesday, June 26, 2012

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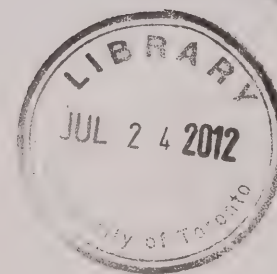
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Wednesday, June 27, 2012



The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, June 27, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling for Senators' Statements, I wish to draw your attention to the presence in the gallery of Scott Mackinnon, Sean Mackinnon, Ross Mackinnon and Ryan Mackinnon, four brothers from Comox Valley, British Columbia, biking across Canada to raise awareness and funds for the Michael J. Fox Foundation for Parkinson's Research, in honour of their grandfather, Neville "Baha" Munro, a basketball Olympian diagnosed with Parkinson's who passed away at age 76. They are the guests of the Honourable Senator Raine.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

BOMBER COMMAND

RECOGNITION OF CONTRIBUTIONS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it is a great honour for me to rise today to pay tribute to the valiant contributions of the 50,000 brave Canadian veterans who served in Bomber Command ensuring the liberation of Europe during the Second World War.

The Bomber Command's role was significant and crucial in the world's most widespread war affecting over 100 million people and involving military units from numerous countries around the globe.

During World War II, while the Royal Air Force Fighter Command defended the United Kingdom against aerial attacks, it was the role of the Bomber Command to attack the enemy's military strength by bombing key targets well inside enemy territory with the clear objective to weaken its military and industrial capabilities.

Some 125,000 members of the Allied Forces served in the Bomber Command during the Second World War, the deadliest of wars in the history of the world.

Canada's commitment to Bomber Command was 15 squadrons, with the Royal Canadian Air Force No. 6 Group flying more than 40,000 missions. Honourable senators, 50,000 brave Canadians

served in the Bomber Command operations during the Second World War, dropping over 1 million tonnes of bombs on Europe. Over 12,000 Bomber Command aircraft were shot down.

As you know, our former colleague Senator Michael Meighen introduced a motion here in the Senate in February 2008 calling on the government to recognize the sacrifices made by Bomber Command forces. Senator Meighen pointed out that the casualty rates for those serving in the Bomber Command were astonishing and, in fact, unparalleled.

I wish to take this opportunity to recognize the noble and steadfast efforts of our colleagues in this regard. Senator Michael Meighen and Senator Hugh Segal are staunch and vocal advocates for honouring the Bomber Command's bravery, courage and valiant sacrifices. They have been instrumental in urging the Government of Canada to honour the extraordinary young men and women who are members of the Bomber Command. All senators thank them for their hard work and commitment to this important initiative.

Honourable senators, shockingly and sadly, 60 per cent of airmen died, 3 per cent were seriously wounded, 12 per cent became prisoners of war, 1 per cent evaded capture and miraculously only 24 per cent were unharmed. Essentially, the survival rate for two tours of Bomber Command was only 5 per cent. It is a testament to their bravery and commitment that nearly 1,000 airmen were shot down and evaded capture and made their way back to Britain only to fly again. Nothing that we can say or do can ever thank them enough. In total, 55,573 British and Allied Forces pilots serving in Bomber Command paid the ultimate price in defending the skies over Europe so many years ago, 10,000 Canadians among these numbers.

Honourable senators, there is no doubt about it: Bomber Command played an integral role in the Allied victory in the Second World War. Through their meticulously planned operations, their sacrifices were a critical contribution to the defeat of Germany and the consequential liberation of Europe. Indeed, they gave everything so that we are free today.

In April of this year, my colleague the Honourable Steven Blaney, Minister of Veterans Affairs, announced that our government would contribute \$100,000 toward the creation of a new Bomber Command Memorial in London, United Kingdom. This memorial is being unveiled today in London's Green Park. The memorial honours all members of the Bomber Command from Allied countries including Australia, New Zealand, the United Kingdom and Canada.

Honourable senators, I believe we all agree that, as Canadians and as parliamentarians, it is our duty to remember, honour and pay tribute to the many men and women who served our country so selflessly not only during World War II but also during other conflicts. The Bomber Command is no exception, particularly considering that it has been so long — over 65 years — without proper and formal recognition for their intrepid efforts that ensured our freedom.

The Bomber Command Memorial will ultimately serve as an enduring and long-lasting tribute to the gallant service, courage and ultimate sacrifice of the many brave men and women who served our country so valiantly during the Second World War.

Honourable senators, our courageous veterans of all conflicts have fought for peace, freedom and democracy around the world and they are deserving of our tribute, honour and everlasting remembrance.

Lest we forget.

THE HONOURABLE VIVIENNE POY

RETIREMENT ANNOUNCEMENT

Hon. Vivienne Poy: Honourable senators, on September 17, I will have been in this chamber for 14 years. It has been an enriching experience, but I believe it is time for me to take on new challenges as a full-time writer and globetrotter. Neville and I have just celebrated our fiftieth anniversary, and from now on we would like to spend more time with our family.

Before I leave, I would like to thank former Prime Minister Jean Chrétien for giving me the opportunity to serve Canadians across the country. It has been a great privilege to get to know so many extraordinary Canadians over the years.

When I first arrived here in 1998, I did not know anyone on the Hill. Coming from a community background, I had difficulty adjusting initially to the political environment. Many senators were very kind to me when I first arrived. Over the years most of them have retired, but not all.

I would like to recognize Senator Marie Charette-Poulin, who probably is not even aware of how much she helped me adjust to life in Ottawa. She kindly spoke at the luncheon when I was installed as Chancellor of the University of Toronto. She even introduced us to a contractor who renovated our condo here with efficiency and good workmanship. Thank you very much, Marie.

Another notable senator I would like to thank is our Speaker, Senator Noël Kinsella, for his encouragement and support in 2001 in getting the motion to recognize May as Asian Heritage Month adopted. I remember him telling me I should try to get it through before Christmas, which was excellent advice. This has turned out to be the single greatest motivator for all Asian Canadians to be proud of our heritage.

Last, but not least, I would like to thank my staff. The moment my appointment was announced in September 1998, letters and phone calls appealing for help started to arrive. I asked Senate Human Resources to send me someone on a temporary basis, and that was Bev Muma, who has been with me ever since. My Policy Adviser, Carol Reichert, came to work for me from the Norman Paterson School of International Affairs at Carleton University 12 years ago. They are both in the gallery. I want to thank them for keeping my office running smoothly and efficiently and for keeping me out of trouble because, after 14 years, I am still politically naive.

• (1340)

Finally, I would like to wish all honourable senators continuous success and good health in your pursuit of the common good for all Canadians. Thank you.

Hon. Senators: Hear, hear!

PARKINSON'S DISEASE

MACKINNON BROTHERS' BIKING FOR BAHÁ

Hon. Nancy Greene Raine: Honourable senators, today I have had the pleasure of meeting four remarkable young men, the Mackinnon brothers — Scott, Sean, Ross and Ryan — from Comox, British Columbia, who are cycling across Canada to raise awareness and funds for the Michael J. Fox Foundation, which supports Parkinson's disease research.

The initiative, which is called "Biking for Baha," is in honour of their grandfather, George Neville "Baha" Munro, a basketball Olympian diagnosed with Parkinson's disease, who passed away at the age of 76.

Mr. Munro was a member of the basketball team that represented Canada at the London Olympics in 1948. He was also a successful lawyer and financial adviser. More importantly, he is a real hero to these boys and many others, as he never gave up and continued to inspire, even in the face of Parkinson's disease.

An estimated 5 million people worldwide are living with Parkinson's disease, and currently there is no known cure. The Michael J. Fox Foundation for Parkinson's Research, begun by the remarkable Canadian of the same name, is dedicated to finding a cure for the disease through an aggressively funded research agenda and to ensuring improved therapies for those living with Parkinson's today.

To date, the foundation has funded more than \$285 million in Parkinson's research, a remarkable achievement. Team Fox, the grassroots fundraising arm of the foundation, has raised over \$16 million since 2006 for Parkinson's research. Money raised by the Biking for Baha fundraising tour will add to this total.

I commend the Mackinnon brothers, and I know they are well on their way to achieving their goals. Their goal is to raise \$1 per kilometre as they make their way across Canada. Right now they are at about 65 per cent.

I will tell honourable senators a little bit about each of the Mackinnon brothers.

Scott is a graduate in physical education and history and is currently teaching at the Brent International School in Manila, Philippines.

Sean, "the life of the party," is a lifelong traveler and adventurer. When he is home now, he is based in Vancouver and works up in the oil patch.

Ross, “the comedian,” has just finished his secondary school teaching degree at Vancouver Island University in Nanaimo. He will be teaching at a B.C. offshore school close to Shanghai, China, next year.

Ryan — the other brothers call him “the golden child” — has just finished his fifth year at the University of Victoria, where he was the captain of the varsity basketball team, a Canada West All-Star, and an All-Canadian Award winner. He is looking forward to a professional career when he finishes his education.

I know that things will work out well for all of them. I know also that they would want me to mention their supporters, especially their friends here in Ottawa who have lent them the shirts and ties.

Good luck, boys.

Anyone who wants to donate can Google “Michael J. Fox Parkinson’s Research” and “Team Fox” and click through to “Biking for Baha.”

Good luck on your way to the Atlantic. Thank you for stopping here.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

STUDY ON FEDERAL GOVERNMENT’S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES

EIGHTH REPORT OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Gerry St. Germain: Honourable senators, I have the honour to table, in both official languages, the eighth report, interim, of the Standing Senate Committee on Aboriginal Peoples entitled: *A Commitment Worth Preserving: Reviving the British Columbia Treaty Process*.

COPYRIGHT ACT

BILL TO AMEND—FIFTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, June 27, 2012

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FIFTH REPORT

Your committee, to which was referred Bill C-11, An Act to amend the Copyright Act, has, in obedience to the order of reference of June 21, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Gerstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, June 27, 2012

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Tuesday, January 31, 2012 to undertake a review of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary; and
- (b) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

(For text of budget, see today’s Journals of the Senate, Appendix, p. 1510.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Gerstein, report placed on Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

STUDY ON CURRENT AND FUTURE STATE OF FOREST SECTOR

SECOND REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—GOVERNMENT RESPONSE TABLED

Leave having been given to revert to Tabling of Documents:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I would like to revert to tabling of documents.

Honourable senators I have the honour to table, in both official languages, a government response to the final report of the Standing Senate Committee on Agriculture and Forestry entitled: *The Canadian Forest Sector: A Future Based on Innovation*.

THE SENATE

MOTION TO EXTEND TODAY'S SITTING ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, notwithstanding the order adopted by the Senate on October 18, 2011, the Senate continue its proceedings today beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1).

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

PARLAMERICAS

SIGNING CEREMONY OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE ORGANIZATION OF AMERICAN STATES AND PARLAMERICAS, FEBRUARY 9, 2012 AND BILATERAL VISIT TO HAITI, MARCH 18-24, 2012—REPORT TABLED

Hon. Pierre Hugues Boisvenu: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the signing ceremony of a memorandum of understanding between the OAS

and ParlAmericas, held in Washington, D.C., United States of America, on February 9, 2012, and the bilateral visit to Haiti, held in Port-au-Prince, Haiti, from March 18 to 24, 2012.

• (1350)

QUESTION PERIOD

PUBLIC SAFETY

ELLIOT LAKE—ASSISTANCE FOR VICTIMS OF TRAGEDY AND COMMUNITY

Hon. Marie-P. Charette-Poulin: Honourable senators, my question is for the Leader of the Government in the Senate.

[English]

The collapse of the roof at the Algo Centre Mall in Elliot Lake is very tragic and represents a tremendous loss for the community. As the residents continue to hope and pray for the rescue of possible survivors of Saturday's tragedy, and as the family and friends of the victims grieve their personal losses, concern is now being expressed about the economic consequences of this catastrophe.

The loss of an estimated 300 jobs, along with the possible closure of many small businesses, represents a significant blow to the economy of this small community. I have been asked if the federal government will be offering any economic support to the people of Elliot Lake.

Will the Leader of the Government in the Senate take this opportunity to alleviate the community's concerns in this regard and outline how the federal government is prepared to help Elliot Lake address this devastating economic loss?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question about a very tragic and serious situation.

Before answering the question, I will take a moment to pay tribute to Senator Poy, who is taking leave of the Senate. Senator Poy was the first senator of Asian heritage appointed to this place. She has been a bit of a trailblazer, as honourable senators can see. I would not want Senator Poy to take her leave of this place without knowing that she has been a valued member of the Senate, has made a great contribution and will be sorely missed in this place.

Hon. Senators: Hear, hear!

Senator LeBreton: With regard to the situation in Elliot Lake, honourable senators, we are all hanging on the news. I cannot imagine how those families must feel, especially when they got word that the search was to be suspended. Thankfully, the rescuers are back now and have managed to get into the area. We still hope that they will find survivors.

As honourable senators know, the Prime Minister did receive a call from the Premier of Ontario and has offered all the assistance possible from the federal government.

With regard to ongoing assistance or what the government might do, I am not in a position to say what that might be today. I will be very happy to express the senator's concern to the government and to take her question as notice.

Senator Charette-Poulin: I am very touched by the leader's kind words for our colleague. It is much appreciated.

I am also touched by her human response to the people of Elliot Lake. As part of the family of northern Ontario, when there is such a dramatic and sad disaster, we all appreciate the fact that no matter where we are from or where we are, we all close ranks, in this case around the people of Elliot Lake, its mayor and those who have the responsibility to take these decisions.

It is a human disaster of significant proportion, but I also believe that it serves to highlight the need for emergency preparedness and the importance of our front-line emergency relief teams.

In view of this, will the minister recommend to her government that it reconsider its cancellation of funding for the Joint Emergency Preparedness Program rather than abandon its responsibilities?

Senator LeBreton: As honourable senators would know, over 90 per cent of emergencies in Canada are presently managed by municipalities or at the provincial and territorial level. Our government has supplemented provincial emergency preparedness by investing in equipment and training for urban search and rescue teams, firefighters, police and other first responders.

We have obviously worked closely in collaboration with first responders. I did see that report last night. I thought perhaps it would have been more prudent and respectful to focus on the urgency at hand, but at the same time I did take note of the comments of one individual on the national news.

Again, I will provide the honourable senator with as much detail as possible on how the federal government is presently involved and what the plans are going forward.

URBAN SEARCH AND RESCUE PROGRAM

Hon. Marie-P. Charette-Poulin: In the questions to which the honourable leader will be providing answers, could she also respond to how the government will continue to offer financial support for Canada's five Heavy Urban Search and Rescue units?

Hon. Marjory LeBreton (Leader of the Government): I most certainly will do so, honourable senators.

Hon. Terry M. Mercer: Honourable senators, we all share the concern and our prayers with the people of Elliot Lake. This is a very serious situation, and I know the minister takes it seriously. We also have to think about what lessons we should have learned in past few days and about what we are about to do in the next couple of days as we vote on the budget bill.

Senator Charette-Poulin mentioned the Heavy Urban Search and Rescue teams across the country. The teams in Vancouver, Calgary, Brandon, Toronto and Halifax are now all in danger, some of which are rumoured to be disbanded due to this funding cut.

The tragedy in Elliot Lake points out the fact that we need these teams and we need them to be close by. Toronto is not that close to Elliot Lake, but it is not that far away either, in today's world. Calgary, Brandon, Vancouver and Halifax are centres that can service tragedies that might happen in other parts of the country.

While the immediate concern is for the people in Elliot Lake and what will happen there in the next few hours and days, it is one of those moments where the government should step back and say, "Perhaps we missed this one and did not understand the importance of these teams." It would be advisable for the government to rethink cutting the funding to this plan.

Senator LeBreton: The honourable senator is making assumptions that are not so. Obviously, through emergency preparedness, the government has invested considerable resources, financially and in human resources, to assist various search and rescue operations.

As I indicated in my response to Senator Charette-Poulin, this is a very serious, sad and tragic situation in Elliot Lake. The government obviously would want to see the situation assisted in any way possible.

I suggest to honourable senators that we focus on what is happening in Elliot Lake at the moment. I will provide a written response to Senator Charette-Poulin, which I will be happy to provide to Senator Mercer as well, as to the government's plans going forward.

Hon. James S. Cowan (Leader of the Opposition): Will the leader undertake to provide that information before we are called to vote on the budget?

Senator LeBreton: Honourable senators, this government has acted extremely responsibly in dealing with all disasters and has provided millions of dollars to the provinces and territories to deal with disaster relief.

• (1400)

The budget implementation bill is before us now. Our government or any government would want to make sure that proper procedures are followed and that resources are in place to assist people who are in such dire need, as is the case right now in Elliot Lake.

Senator Cowan: I take that as a no.

An Hon. Senator: No shame at all.

Senator Cowan: Absolutely no shame at all. I am glad it is recognized.

[Translation]

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate.

Madam leader, Canada's participation in the Trans-Pacific Partnership negotiations raises a number of questions, including questions about the lack of transparency in the negotiations. Parliamentarians and Canadians are completely in the dark about the terms of this free trade agreement. Moreover, by participating in these talks, Canada has tacitly approved the terms that were negotiated before Canada became involved in the process. Canada will therefore have second-class status because the Americans have stipulated that Canada will not be entitled to veto any of the chapters that have already been included in the agreement. As you celebrate the 1812 victory against the Americans, why is your government caving in before even taking a seat at the table?

[English]

Hon. Marjory LeBreton (Leader of the Government): Trust the honourable senator and people on that side to always go to the lowest common denominator.

As a major Pacific nation, it is in Canada's interest to join the Trans-Pacific Partnership, which is consistent with our active and ongoing presence in the Asia-Pacific region. After all, this government has actively pursued trade agreements around the world to a degree that no government has previously done. Canada will bring, of course, a high level of ambition to the TPP negotiations. In addition to the TPP, Canada is exploring free trade with Thailand and has also begun free trade negotiations with Japan.

I believe there was a question from Senator Hervieux-Payette a few days ago, and I would point out that Canada did not give anything away in order to get to the table.

Senator Hervieux-Payette: This Conservative government has often proclaimed itself as the defender of Canadian sovereignty. However, the Trans-Pacific Partnership will effectively erode our sovereignty by allowing multinational companies to use extrajudicial tribunals to challenge laws by the government of any member country. Public citizens and American policy groups state that according to a leaked chapter of the investment chapter, the tribunals used for these lawsuits will be staffed by private sector lawyers that rotate between acting as judges and as advocates for the investors suing the governments.

The group continues by saying that Section B of the leaked text states "these tribunals would not meet standards of transparency, consistency or due process common to TPP countries' domestic legal systems or provide fair, independent or balanced venues for resolving disputes between sovereign nations and private investors."

Why is the government so intent on transforming Canada into a corporate autocracy by signing an agreement that would weaken our sovereignty and the impartiality of our judicial system?

Senator LeBreton: Honourable senators, Senator Hervieux-Payette is fixated on things that are said in the United States. It was prisons in Texas and now it is quoting some American publication with regard to our interest in the TPP.

As I pointed out in my first answer, it is in Canada's interests to be part of these negotiations, and I can only imagine the screaming and hollering from the other side had we not been invited to the table.

I do note, however, that not all Liberals think like Senator Hervieux-Payette. I noticed that Martha Hall Findlay, who has indicated she may run for the leadership of the Liberal Party, has actually taken a position opposite the position of the Liberal Party. For all of the squawking and screaming in here, if one goes back and looks at the Liberal platform in the last election, there was no mention of any of this, including the whole question of supply management.

[Translation]

Senator Hervieux-Payette: I think that Ms. Findlay was talking mainly about supply management, including chicken, milk and eggs — the high-quality food products produced by our Canadian farmers.

I would really like to know how dismantling organizations that ensure a decent income for our farmers is going to factor into the Trans-Pacific Partnership negotiations and what concessions your government is prepared to make. After agreeing to accept the proposal that was already on the table, now you are going to turn over much of our market and sell out our farmers.

[English]

Senator LeBreton: Senator Hervieux-Payette would know — she was a member of cabinet at one point — that as in all trade negotiations the Government of Canada will promote and defend the interests of Canada, all sectors of Canada's interests. The honourable senator would also know that in any negotiation nothing is agreed to until everything is agreed to. Where she is getting this information — from some U.S. publication — is a bit surprising to me.

Opening new markets is extremely important to Canada. It is extremely important to create new business opportunities for Canadians, and it is extremely important for the government's plans regarding the economy, jobs and long-term prosperity.

As I said in response to earlier questions, we have a government that is mindful and protective of Canada's sovereignty. We have done a great deal to ensure that Canada's sovereign role in the world is acknowledged and respected. However, having said all of that, I would hope that the honourable senator would know more than most that it is very important for a country the size of Canada in this global economy to be at the table. We will protect Canadian interests. We will not enter any agreement that is not in the interests of Canadians and the Canadian economy.

Senator Hervieux-Payette: If my source in the United States is not true, I am quite willing to take the government's source.

Senator LeBreton: The honourable senator is always referring to sources in the United States. I have no idea who those people are. I cannot speak for her sources in the United States. I can only try to address the issues she presents to me, representing the government in this chamber.

NATIONAL REVENUE

UNITED CHURCH OF CANADA— CHARITABLE STATUS AND POLITICAL ACTIVITIES

Hon. Jim Munson: Honourable senators, my question is to the Leader of the Government in the Senate. The Conservative government has been engaged in "charity chill." They have been waging war on charities that work for social housing, poverty reduction and the environment.

Now comes the latest attack, this time on churches, in particular the United Church of Canada. It seems the church should be paying more attention to its religious work. It allocates only 2 per cent of its resources for political activity. That is well below the allowable 10 per cent.

This government has no place in the pews of the United Church of Canada. Why is the government attacking an organization which is following the tax rules?

Hon. Marjory LeBreton (Leader of the Government): First, the premise of Senator Munson's question is false. We are not attacking charities. As honourable senators may know, I was raised in the United Church of Canada. The church I was raised in actually did very good work helping people and helping society, and I hope they continue that good work. I just want to assure the honourable senator that we are absolutely not attacking charities.

• (1410)

Senator Munson: I guess the leader is disassociating herself from one of her colleagues, Senator Eaton. Last week, Senator Eaton on *As It Happens* was clear in her criticism of the United Church of Canada. The attacks have shades of McCarthyism and witch hunts. First it was international development organizations — the honourable senator must be a little sensitive. The United Church of Canada is not against Israel.

I am the son of a United Church minister, and this is personal. You have crossed the line. This is quite personal. My father was a United Church minister; he believed in charities and he believed in giving. This government has crossed the line, and you folks should know better.

Why do you continue to attack the United Church of Canada, other charities and other Canadians, dammit, who wants to talk on behalf of what they feel is important for the environment, social housing and or anything else, for that matter?

Senator LeBreton: That was all very interesting, but I actually did not hear a question there. I — actually, I was listening and I did not hear a question, and I do have rather big ears, both figuratively and realistically.

The fact of the matter is that, of course, the charitable sector has nothing to fear. All of the good work of charities obviously deserve our support and get our support.

With regard to the United Church of Canada, I did not realize Senator Munson's father was a United Church minister. I mentioned that I was raised in the United Church. I have my own views of some of the things the church does, which I will not share with honourable senators. In any event, I can assure the honourable senator that we are not in the business of attacking charities.

[Translation]

FISHERIES AND OCEANS

EXPLOITATION OF INTERNATIONAL WATERS

Hon. Pierre De Bané: Honourable senators, Steven Guilbeault of Équiterre cannot understand why Canada, which is bordered by three oceans and whose commercial fish species are being pillaged at the boundaries of its coastal area, has decided to oppose international negotiations for a treaty on the exploitation of international waters, which are not protected from the pillaging of the ocean floor. He said:

It makes no sense. Ottawa tenaciously defends its opposition to eliminating subsidies to oil companies. I can understand that. But to see Canada block action to end the pillaging of the sea bed, that makes absolutely no sense. Canada's opposition to this kind of treaty has blocked an agreement that would protect 74 per cent of the world's oceans, 45 per cent of its waters.

[English]

Canada, along with four other countries, has blocked the wish of 185 countries that wanted to protect the seas, and we have three oceans in Canada.

That has prompted Sir Richard Branson, the President and CEO of Virgin, to say in Rio that Canada today is unrecognizable compared to Canada in 1992, when the Mulroney government was a leader in the protection of the environment.

Senator Mercer: Where are the Progressive Conservatives?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it has been a long session.

I honestly do not know what treaty Senator De Bané is referring to; therefore, so as not to get up and babble on about something I have no idea about, I will take the honourable senator's question as notice.

Senator De Bané: It is quite remarkable, honourable senators, that Sir Branson, who was here in 1992 and said Canada was a beacon to the world, said today that Canada is unrecognizable in the role that it played to block the protection of the seas, and we are the country with the longest coast.

I have another question for the leader.

[Translation]

INFRASTRUCTURE

GREEN ENERGY FUND

Hon. Pierre de Bané: Honourable senators, in 2009, the government announced the establishment of a \$1 billion Green Infrastructure Fund for environmental projects.

Today, we learned that only 25 per cent of the money has been spent and that funds are being diverted to build gas pipelines and to maintain office buildings.

[English]

Why has the money from the Green Infrastructure Fund been diverted to finance other projects that have nothing to do with the environment?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator must be getting his information from the same place as Senator Hervieux-Payette because our government has committed \$617 million to 17 Green Infrastructure Fund projects that will lead to cleaner air, cleaner water and lower emissions. Funding for these major, multi-year projects is ongoing and will be delivered once the work is complete.

The honourable senator is quite wrong to stand here and state that we are not fully committed to the Green Infrastructure Fund, which we announced a few years ago. Of course, this is all the more difficult for me to take when his own party in the other place voted against every measure that we advanced to fund programs such as the Green Infrastructure Fund.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Cowan on May 1, 2012, concerning the F-35 aircraft purchase.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

(Response to question raised by Hon. James S. Cowan on May 1, 2012)

This Government is fully committed to getting the best equipment for the Canadian Forces, at the best price for Canadians, with the best benefits for Canadian companies

and workers. The commitment to purchase a replacement for the ageing CF-18 fleet was clearly stated in the Canada First Defence Strategy.

The funding envelope allocated for the acquisition of replacement fighter jets is currently frozen. The Government of Canada has established the National Fighter Procurement Secretariat within the Department of Public Works and Government Services, and this Secretariat will play the lead coordinating role as the Government moves to replace Canada's CF-18 fleet.

The Department of National Defence, through the new Secretariat, will provide annual updates to Parliament, based on annual costing forecasts from the multinational Joint Strike Fighter Program Office. The Secretariat has recommended that the first annual update be tabled in Parliament during the fall of 2012, as the update needs to meet three conditions: it needs to be complete, it needs to provide a full project update and it needs to be independently verified. These conditions cannot be satisfactorily met prior to the fall.

This additional time will allow for the completion of the independent review that will be commissioned by the Treasury Board of Canada Secretariat and that will help set a consistent life-cycle costing framework that will be used to report costing estimates for this project. This will enable the Department of National Defence to more effectively report costs to Parliament and the public as well as ensure that the estimated life cycle costs associated with the program can be examined through an independent review process.

This government is committed to providing the Canadian Forces with the equipment they need to do what we ask of them, while getting the best value for taxpayers' dollars.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

AGRICULTURE AND AGRI-FOOD— DOCUMENTATION OF DEPARTMENTAL SAVINGS

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 9 on the Order Paper — by Senator Calbeck.

INDUSTRY—MANDATORY LONG-FORM CENSUS

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 34 on the Order Paper — by Senator Calbeck.

NATIONAL DEFENCE—MILITARY HONOURS

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 38 on the Order Paper — by Senator Segal.

PUBLIC SAFETY—CORRECTIONAL SERVICE
OF CANADA TRANSFORMATION PROGRAM

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 41 on the Order Paper — by Senator Callbeck.

[English]

BUSINESS OF THE SENATE

Hon. Catherine S. Callbeck: Honourable senators, I rise on a matter of house business.

I would like to know the status of the government's reply to two sets of questions placed on the Order Paper on June 7, 2011; No. 8 was with regard to the Canada Pension Plan, and No. 9 related to federal strategic review.

I already asked for an update on these questions on March 28, but I have not received a reply. Neither of these questions is new. They were submitted previously in different Parliaments. In fact, questions regarding the Canada Pension Plan were first placed on the Order Paper in October 2007.

I would like to know when I can expect to receive a reply to these questions.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, the things that Senator Callbeck is talking about are part of the delayed answers I have tabled here today.

• (1420)

[English]

ORDERS OF THE DAY

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

THIRD READING—DEBATE ADJOURNED

Hon. JoAnne L. Buth moved third reading of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

She said: Honourable senators, I am pleased to speak once again to Bill C-38, the jobs, growth and long-term prosperity act, at third and final reading. The legislation before us will strengthen Canada's economy to ensure economic growth, job creation and prosperity in the years ahead.

We know our economy has performed well relative to other countries, but the global economy remains uncertain. We are reminded daily of the magnitude of Europe's challenges, and in the United States, our largest trading partner, the pace of recovery has slowed.

These facts demand that Canada not be complacent. In a rapidly changing global marketplace where we face tough competition from emerging economies like Brazil and China, we cannot afford to delay action to support our economy and return to balanced budgets.

Honourable senators, the recovery both here and abroad is not complete. Bill C-38 will guide Canada's economy through the challenges ahead with a strong foundation and a steady hand.

As the challenges faced by our economy are neither small nor one-dimensional, Bill C-38 presents an ambitious strategy studied by no fewer than six Senate committees, with testimony from nearly 200 witnesses. An incredible effort was put forward by a great number of people during the passage Bill C-38 through the upper house. Fifty-two honourable senators from the Finance, Banking, Transport, Energy, National Security and Social Affairs committees convened over 40 meetings in the pre-study of Bill C-38 with the help of their staff, committee staff and support staff.

[Translation]

As a member of the National Finance Committee, I would like to thank the honourable senators for the countless hours they dedicated to examining this bill.

[English]

Special mention is well deserved by a number of people: from the Standing Senate Committee on Energy, the Environment and Natural Resources, the chair, Senator David Angus, for his genuine and tireless commitment to the pre-study of this bill; Lynn Gordon, the able clerk, and analysts Sam Banks, Marc LeBlanc and Jean-Luc Bourdages; from the Standing Senate Committee on Banking, Trade and Commerce, the chair, Senator Irving Gerstein, the clerk, Adam Thompson, and analysts John Bulmer and Adriane Yong; from the Standing Committee on Transport and Communication, the chair, Senator Dennis Dawson, and Jean-Yves LeFort, the clerk, along with analysts Alexandre Lavoie, Penny Becklumb and Terry Thomas; from the committee on Social Affairs, Science and Technology, the chair, Senator Kelvin Ogilvie, the clerk, Jessica Richardson, and analysts Karin Phillips and Michel-Ange Pantal; from the committee on National Security and Defence, the chair, Senator Wallin, the clerk, Josée Thérien and analysts Martin Auger and Holly Porteous; last, but certainly not least, from the Standing Senate Committee on National Finance, the chair, Senator Joseph Day, for his exceptional work leading the committee with even-handedness and respect. He demonstrates a laudable commitment to fairness and inclusivity in his leadership. I also recognize Jodi Turner, our assiduous clerk, and analysts Sylvain Fleury and John Bulmer for their hard work throughout the pre-study of Bill C-38.

I also recognize the contribution of other essential senators and staff that, due to the restraints of time, I cannot mention individually: my fellow honourable senators, administrative assistants, communications staff, translators and stenographers, among many others.

Many witnesses appeared before these committees to share their views on the legislation and how best to safeguard our economy in an uncertain period of global financial turbulence.

We appreciate the time and effort of government officials, business leaders, academics, labour groups, industry associations, First Nations and individual Canadians.

[Translation]

Over the past few months, Parliament debated and examined this bill more than any other budget bill in over two decades, and I have no doubt that it has received a thorough and exhaustive examination.

[English]

For that reason, I am confident that the jobs, growth and long-term prosperity act will benefit all Canadians, supporting our recovery while unleashing the potential of Canadian businesses and entrepreneurs to innovate and thrive in the economy of tomorrow.

While I will not provide an exhaustive review in the short time that I will speak on the legislation before us, I want to remind honourable senators one final time of some of the objectives this bill seeks to achieve.

By eliminating the penny and introducing other efficiencies across government, we will eliminate wasteful and duplicative spending of taxpayer dollars.

By increasing the eligibility age for Old Age Security, for instance, we will keep social programs sustainable.

Through enhanced border security cooperation, for example, we will promote trade.

Through regulatory reform to support responsible resource development and other measures, we will create jobs.

Honourable senators, it is imperative that Canada realize its long-term potential as we enter another period of global economic uncertainty. There is no doubt that financial turmoil abroad will inevitably be felt at home. While we must be cautious not to underestimate the risks, Canadians can be confident that our country is well placed to meet the economic challenges of the future as we have done so successfully in the past. The measures contained in the jobs, growth and economic prosperity act will help to ensure that the Canadian economy will continue to grow. We must take these actions in order to respond to the challenges of today, while setting out a plan that our long-term goals demand.

As Minister Flaherty did on March 29, 2012, when he tabled Economic Action Plan 2012, let me quote the words of Sir George Foster, Minister of Finance under Sir John A. Macdonald:

There is especial need just now for long vision and the fine courage of statesmanship, and the warm fires of national imagination. Let us summon them all to our aid. We should not be thinking overmuch of what we are now, but more of what we may be fifty or a hundred years hence. Let us climb the heights and take the long forward look.

[Senator Buth]

I therefore urge all honourable senators to support the government in its important work to support the people of Canada and their continued prosperity.

Thank you.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, I would like to begin by congratulating Senator Buth on her rather brief speech on Bill C-38. I must warn you that my speech will be a little longer.

Honourable senators, Bill C-38 is clearly an abuse of power on the part of the Harper government. Seventy federal acts, 750 sections and 425 pages of legislation, all without any consultation with the provincial premiers or most of the organizations affected by the changes in this legislation — this is clearly an abuse of power.

• (1430)

Francophones in Canada — at least those in my neck of the woods — have a saying about having the courage of one's convictions. I do not think that the Prime Minister has the courage of his convictions when he includes all of these bills in a single budget bill.

Listen. It is important to have an open mind.

[English]

Old Age Security — that will only be changed in 10 years.

[Translation]

Is that having the courage of one's convictions? Absolutely not.

[English]

Employment Insurance — that regulation will only come into force in February or March of next year. There is no courage at all.

There is fishery protection without consulting the different organizations — Environment, National Energy Board, Community Access Program, Parks Canada, the National Round Table on the Environment and the Economy, Immigration, charities, oversight, cuts to science, Aboriginal health funding cuts, health care for refugees, and the National Council of Welfare.

There is absolutely no courage and no conviction, because, if the Prime Minister and the Minister of Finance were really convinced that these issues were needed for Canadians, there would have been separate bills in the other place.

[Translation]

Having the courage of one's convictions means to believe strongly in something.

The Prime Minister certainly did not believe strongly in the changes to Canadians' pension plan, when he made the announcement in Davos instead of doing so in his own country and consulting Canadians.

[English]

I repeat, it is an abuse of power and definitely a major lack of courage, because there is no conviction. There is no conviction.

In regard to Bill C-38, I must admit there are a few clauses among the 700 and something that I do agree with, and I will let honourable senators know what they are.

Some Hon. Senators: Hear, hear.

Senator Ringuette: They are as follows: clause 6, the Registered Disability Savings Plan; clauses 27 to 44, the medical services HST exemption; clause 217, the territorial borrowing limits; clauses 468 to 472, the abolishment of the Public Appointments Commission; clauses 478 to 480, foreign takeovers on which the minister will be able to provide Canadians and Parliament some information; clause 604, with regard to the best 14 weeks in EI, an ongoing pilot project put in place by the Liberal government that these measures put in place permanently and which I support; and clause 653, with regard to the Canada Travelling Exhibitions Indemnification Act, which is kind of a guarantee of \$3 billion for expositions to help all our museums and probably help Canadians to see more of what is going on in the different cultures of the world.

The funny thing is — and my list is complete, by the way — that the title, or should I say the subtitle, of Bill C-38 is Jobs, Growth and Long-term Prosperity.

I would like to see, honourable senators, where the job creation is in Bill C-38. It first started with 19,200 public servants receiving a letter that they were out of a job.

[Translation]

We are talking about 19,200 public servants. This will continue because there is a series of departments that have not yet sent notices to their employees. What a good start for a 425-page document that is supposed to be about jobs, growth and prosperity. It starts out by cutting jobs.

During the committee hearings, I was very intrigued by this whole question of jobs, because Bill C-38 was supposed to promote them.

[English]

I asked the following questions of every department that came before the Standing Senate Committee on National Finance and the Standing Senate Committee on Banking, Trade and Commerce:

How many employees in your department got a notice of layoff letter, by province and by classification?

How many went to EXs and DMs? How many staffers in your department are not under the Public Service Employment Act and under what classification? What is the cost in your department for program management?

What are the total salaries, expenses, bonuses, et cetera, for the management level of your department and programs?

[Translation]

Honourable senators, you will recall that last week, when the time allocation motion was passed for Bill C-38, I listed the different departments I had put this question to, as well as the dates. The first department was the Treasury Board on May 1, nearly two months ago. To this day, none of the following departments have answered the question: Treasury Board, Agriculture, Fisheries, Justice, Finance, Revenue and Environment.

[English]

I will continue: HRSDC, Parks Canada, Public Safety, RCMP, Fisheries, Health, CMHC, PCO, CFIA, PWGSC, CBSA, Transport and Finance. However, after I asked my question last week and gave all these dates and all these departments, surprise, I got one answer, from Foreign Affairs, and it says that in the National Capital Region 56 letters were sent. They cannot tell me the classifications of the positions, but 56 letters have been sent in the NCR, and 31 employees at Foreign Affairs in the National Capital Region are not in the public service; they are temporary workers — 31. That is 55 per cent of the positions that are being laid off, just in one department.

Honourable senators, when I was telling you that we had a problem with regard to human resources and the issues of temporary workers on contract, particularly in the National Capital Region, out of one department, you can see that this issue is factual. This issue has to be corrected.

• (1440)

By the way, Bill C-38 removes the responsibility of Treasury Board to report on human resource planning for the Government of Canada. Parliament will no longer have a report on what is going on with regard to the public service.

An Hon. Senator: Shame!

Senator Ringuette: It is a shame.

There are three conditions that the Treasury Board has put up front, and with which I agree, in regard to the hiring of temporary workers. The first condition is that it is to be used for a vacancy during a staffing action. That means that there is an open job posting on the Public Service Commission website, and it is temporary because they need to staff that position; so there is a process. The second is when a public servant is absent for a short period of time, due to sickness or whatever. The third is when there is a temporary workload increase for which insufficient staff is available, and we have seen that in many instances, such as the passport issue or the backlog with regard to replying to EI requests.

If these three conditions were applied by Treasury Board, we would probably say that the layoffs of 19,200 public servants, who got their jobs on a fair-merit basis, would not be acceptable, but still we could say that the government is making some efforts. Yet, we see that this is certainly not the case.

However, honourable senators, while all of these people are being laid off, reducing services to Canadians from coast to coast to coast, another issue coming up in the budget year 2010-11 has cost Canadian taxpayers \$72.4 million and that is the bonus system for high-level executives.

Coming back to the answer that I got from Foreign Affairs, they did indicate in the answer they provided to me that EXs and DMs at Foreign Affairs got zero letters of notice that they were being laid off — zero. We are getting a bigger picture, are we not?

An Hon. Senator: The top guys are keeping their jobs.

Senator Ringuette: Yes, and they are getting bonuses. Absolutely.

Now, one department that has been queried in the last 12 months is the Department of National Defence, with their F-35 issues.

Senator Cordy: They will be getting a new minister.

Senator Ringuette: That could be, but meanwhile, the Department of National Defence's high-ranking officials seem to have a very hard time multiplying or dividing or adding in regard to costs for the F-35. Since they cannot do that, they get \$2 million in bonus.

Some Hon. Senators: Oh, oh.

Senator Ringuette: Is that not nice? They get \$2 million in bonuses, all the while, last March, spending an additional \$4 billion for which they are not providing any information.

This department, National Defence, is certainly something that we need to consider.

Senator Cordy: How much for photo ops?

Senator Ringuette: Photo ops are certainly not something that the taxpayers want to be deprived of. Absolutely not. It is better to cut services to Canadians than to not have pictures, yes.

When we look at all these files, and I only have a few here, there is an issue that should concern all of us. We have talked for at least two years, if not more, about this issue, actually in 2005, 2006 and 2007, and that is the issue of the Parliamentary Budget Officer. The Parliamentary Budget Officer was brought forth in this chamber via Bill C-2. Remember accountability and transparency, honourable senators?

An Hon. Senator: Whatever happened to that idea?

Senator Ringuette: Lo and behold, at National Finance, I have asked four times to enable us to understand the Old Age Security measure change and to assess the numbers, because our job is to assess the numbers. I have asked four times at the committee. The fourth time, the chair of the committee said publicly that he had made the request at steering committee, but steering committee did not want the Parliamentary Budget Officer to appear before our committee.

Senator Mercer: What are they afraid of?

Senator Ringuette: So I moved a motion, with a recorded vote.

Senator Mercer: What happened?

Senator Ringuette: Well, lo and behold, all the Tory senators on our committee voted against having the Parliamentary Budget Officer appear before us.

Some Hon. Senators: No, no.

Senator Ringuette: I have all the names here, but I will not go there.

Senator Munson: Name them.

Senator Ringuette: The Parliamentary Budget Officer is a tool for all parliamentarians to be able to have access to current facts and the real numbers.

In June 2006, Senator Oliver, in this chamber, said the following:

With expert staff and legislated access to government information, the parliamentary budget officer will strengthen Parliament's ability to scrutinize government spending and to analyze economic trends.

It is too bad Senator Oliver is not on the National Finance Committee, because I am sure he would have supported my motion.

The same year, at third reading of Bill C-2, Senator Oliver said the following:

Bill C-2 makes a significant step in this direction, with the creation of the parliamentary budget officer within the Library of Parliament. This new officer and the necessary expert staff will enhance the research support on economic and financial matters for the study of estimates. . . . The effort to improve accountability embodied in this legislation will be incomplete if the key institution of public accountability, Parliament, continues to have inadequate capacity to fully hold the government and its senior officials to account.

• (1450)

I go back to the abuse of power by the current government, not only through Bill C-38 but also in refusing a Senate parliamentary committee to have as a witness the Parliamentary Budget Officer. I think that you should all be ashamed — all ashamed.

Not only are they not agreeable to having this important researcher come before our committee, but he has even been denied by departments the information that he has requested. This is a privilege that this position has acquired through an act of Parliament.

Can you imagine that right now we have a Parliamentary Budget Officer who may bring this government before the courts because they will not supply information? My goodness!

An Hon. Senator: They will not obey the law!

Senator Ringuette: My goodness; my God!

Senator Comeau: I am shaking in my boots.

Senator Ringuette: I thought you had shoes on, but anyway.

Next, with respect to Old Age Security — and the committee was not able to have factual numbers at committee because the Parliamentary Budget Officer was not allowed to appear before our committee —

Senator Cordy: They do not want the facts to get in the way.

Senator Ringuette: — the age of retirement is raised from age 65 to age 67, costing the average retiring Canadian \$12,000 and the lowest income Canadians up to \$30,000. Furthermore, 40 per cent of OAS recipients earn less than \$20,000 a year — I repeat: \$20,000 a year. Cutting OAS will hurt Canada's most vulnerable seniors. They will be hurting the most.

We also learned that the Parliamentary Budget Officer said that the OAS program was sustainable. His report states that relative to the size of the economy, the assumption that average benefits are indexed to inflation only results in an increase in the cost of the program of 0.8 per cent of GDP from 2010-11.

[Translation]

Honourable senators, when a government has the courage of its convictions and it wants to introduce major changes, it should do so in separate bills, out of respect for parliamentarians, for the institutions and especially for Canadians. It is fundamental. Speaking of having the courage of one's convictions, either the current Prime Minister lacks such courage or he is not convinced of the changes he is making to the pension plan.

The first witness who appeared before the Standing Senate Committee on National Finance was the Minister of Finance, Mr. Flaherty. Bill C-38 contains a provision regarding the Canadian government's commitment to restore balance to the International Monetary Fund by increasing the amount from \$6 billion to \$11 billion. It is set out in Bill C-38. However, when the committee questioned Department of Finance officials, they admitted that the Canadian government had not really committed to \$6 billion or \$11 billion but to \$24 billion. Meanwhile, for months, Minister Flaherty and Prime Minister Harper had been telling Canadians, Americans and Europeans that they would not increase this commitment. Nevertheless, in committee, the official clearly said — and it is written in the meeting minutes — that our commitment to the International Monetary Fund actually increased from \$6.2 billion to \$24 billion.

Minister Flaherty was unable to answer my question. He turned to his deputy minister who was also unable to answer. They agreed to send us an answer, which we have still not received.

Another very important issue, which is closely related to Senator Buth's speech, is the European economy. Before the Standing Senate Committee on Banking, Trade and Commerce, Mr. Carney, Governor of the Bank of Canada, said that our

foreign exchange reserves had doubled in the past year. When I asked him the value of these funds, he told me that it was the prerogative of Canada's Minister of Finance to disclose that information.

And so, I asked the Minister of Finance to tell us what type of currency we have in that reserve fund. The Minister of Finance was unable to tell us. Do we have euros? Is 50 per cent of that fund in euros? We do not know and the government does not want to tell us. We really have to ask some questions.

[English]

One of the other fundamental things in here is all the dumping on the provinces; that is, dumping with regard to the increase in cross-border shopping that is being allowed without consultation with the provinces and the removal of sales tax from the income of provinces, and the minister said he had not consulted with them. It will be harder to get EI and it will be for a shorter period of time, while at the same time we are creating categories of unemployed in Canada. The provinces will have to pick up the slack for these poor people. There is a verbal commitment to help the provinces, but it does not go very far.

There is absolutely no recognition for the people that work in seasonal jobs, in industries such as tourism, fisheries, agriculture, forestry or construction. There is no recognition for the 26 per cent of GDP that they provide to this country. They will be hurting quite a lot.

I would also like to remind honourable senators that the reduction, unilaterally, of the health care transfer is really not acceptable. For six years the Harper government has been in place, and I never once heard of any federal-provincial meetings of ministers. Prime Minister Harper has never called his provincial colleagues to meet and discuss issues, even in a time of financial crisis. This is really, really unacceptable. We are dumping on the provinces and we do not consult them.

• (1500)

An Hon. Senator: Shame.

Senator Ringuette: It is a shame.

I certainly would like — if the Honourable Senator Eaton wishes to talk, I need just a few minutes more and she will be able to do so.

[Translation]

MOTION IN AMENDMENT

Hon. Pierrette Ringuette: Honourable senators, I move:

That Bill C-38 be not now read a third time but that it be amended

(a) on pages 306 to 311, by deleting clause 447;

(b) in clause 608, on page 373, by replacing line 1 with the following:

“(k.1) subject to section 54.1, establishing criteria for defining or”;

(c) on page 373, by adding after line 21 the following:

"608.1 The Act is amended by adding the following after section 54:

54.1 (1) Before a regulation is made under paragraph 54(*k.1*), the Minister shall cause the proposed regulation to be laid before each House of Parliament.

(2) The proposed regulation shall be laid before each House of Parliament on the same day.

(3) A proposed regulation that is laid before a House of Parliament shall, on the day it is laid, be referred to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct inquiries or public hearings with respect to the proposed regulation and report its findings to that House.

(4) A regulation may not be made under paragraph 54(*k.1*) before the earlier of

(a) 30 sitting days after the proposed regulation is laid before the Houses of Parliament; and

(b) the day after the appropriate committee of each House has reported its findings with respect to the proposed regulation.

(5) The Minister shall take into account any report of the committee of either House and, if a regulation does not incorporate a recommendation of the committee of either House, the Minister shall cause to be laid before that House a statement of the reasons for not incorporating it.

(6) A proposed regulation that has been laid before Parliament need not again be so laid prior to the making of the regulation, whether it has been altered or not.

(7) A regulation may be made under paragraph 54(*k.1*) without being laid before either House of Parliament if the Minister is of the opinion that the changes made by the regulation to an existing regulation are so immaterial or insubstantial that subsections (1) to (6) should not apply in the circumstances.

(8) If the regulation is made without being laid before the Houses of Parliament, the Minister shall cause to be laid before each House a statement of the Minister's reasons.

(9) For the purpose of this section, "sitting day" means a day on which either House of Parliament sits."; and

(d) in clause 703, on page 402, by adding after line 36 the following:

"(1.1) Before an instruction is given under subsection (1), the Minister shall cause the proposed instruction to be laid before each House of Parliament.

(1.2) The proposed instruction shall be laid before each House of Parliament on the same day.

(1.3) A proposed instruction that is laid before a House of Parliament shall, on the day it is laid, be referred to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct inquiries or public hearings with respect to the proposed instruction and report its findings to that House.

(1.4) An instruction may not be given under subsection (1) before the earlier of

(a) 30 sitting days after the proposed instruction is laid before the Houses of Parliament; and

(b) the day after the appropriate committee of each House has reported its findings with respect to the proposed instruction.

(1.5) The Minister shall take into account any report of the committee of either House and, if an instruction does not incorporate a recommendation of the committee of either House, the Minister shall cause to be laid before that House a statement of the reasons for not incorporating it.

(1.6) A proposed instruction that has been laid before Parliament need not again be so laid prior to the giving of the instruction, whether it has been altered or not.

(1.7) An instruction may be given under subsection (1) without being laid before either House of Parliament if the Minister is of the opinion that the changes made by the instruction to an existing instruction are so immaterial or insubstantial that subsections (1.1) to (1.6) should not apply in the circumstances.

(1.8) If the instruction is given without being laid before the Houses of Parliament, the Minister shall cause to be laid before each House a statement of the Minister's reasons.

(1.9) For the purpose of this section, "sitting day" means a day on which either House of Parliament sits.";

(e) on page 150, in clause 133, by replacing line 21 with the following:

"the fish as food or for subsistence or earning a moderate livelihood or for social";

(f) on page 151, in clause 133, by replacing line 5 with the following:

“to fish includes any permanent or recurring”;

(g) on pages 340 and 341, by deleting clause 525;

(h) on page 369, by deleting clause 602; and

(i) on page 395, in clause 682, by replacing line 8 with the following:

“or a veteran’s spouse, common-law partner or survivor if the veteran or the veteran’s spouse, common-law partner or survivor meets”.

[English]

The Hon. the Speaker: It has been moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy, that Bill C-38 be not now read a third time but that it be amended, (a) on pages 306 to 311, by deleting clause 447 — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: On debate.

Hon. Catherine S. Callbeck: Will the honourable senator take a question?

Senator Ringuette: Yes, sure, if I have five minutes.

Senator Callbeck: First, I want to thank the honourable senator for the very informative speech on Bill C-38 and for the amendments. I want to ask particularly about the OAS, Old Age Security.

I agree with the honourable senator when she says that the OAS should be taken out of this bill and put in stand-alone legislation, because it is really important, and what is the rush? That provision will not come into effect until 2023, so it does not make any sense for the government to be putting it in a bill that is 400-plus pages and trying to ram it through Parliament. I know the honourable senator agrees with that.

With regard to sustainability, I find that to be a very confusing issue. The government says OAS is not sustainable as it is, but they refuse to give us any figures. We have asked time and time again for the analysis. They must have an analysis, because they came to that conclusion. Why did they come to that conclusion? We have continued to ask that at the Finance Committee and we never get an answer.

They say it is not sustainable. As the honourable senator mentioned, the Parliamentary Budget Officer has said it is sustainable. Also, the Chief Actuary has stated that it is sustainable. He has indicated that in 2012, it will be 2.43 per cent of the GDP. It does go up, but then it goes back down again. In 2060, it is lower than it is this year; it is 2.35.

Here we have the Parliamentary Budget Officer and the Chief Actuary saying it is sustainable. The government says it is not sustainable, but they are refusing to give us any information. I am

just absolutely floored with this, and I would like to hear the honourable senator’s reaction to that.

• (1510)

Senator Ringuette: I thank the honourable senator. I must say that I have a tendency to believe the numbers of the Parliamentary Budget Officer in regard to this. In relation to OECD countries, I have looked at the analysis they have done. They also clearly indicate that the program is sustainable.

One of the funny things about all of this is that the government, Mr. Harper, is saying that Canadians are living longer so therefore they should be working longer. This is this year, without any facts.

Honourable senators will remember that last year in the budget bill there was a measure in regard to the Canadian Pension Plan. The measure made it possible for Canadians, instead of waiting until they were 65 to apply for CPP, to apply at age 60. That was based on the fact that Minister Flaherty was saying to our committee that they had done research and Canadians wanted to work only until the age of 62. Last year Canadians wanted to retire at age 62, but this year it seems that they are supposed to retire at age 67.

Honourable senators, I certainly believe the numbers that have been proposed in the research by both the Parliamentary Budget Officer and the Chief Actuary, because otherwise the government has not supplied any substantive facts to justify the measures they have taken in regard to OAS.

Hon. Jane Cordy: Honourable senators, I would also like to ask a question about OAS. When Senator Buth was speaking, I was going to ask her a question, and I thought Senator Ringuette was rising to ask her a question but then she started her speech.

She made reference to the fact that increasing the OAS from 65 to 67 — I am not sure if she used the word “safeguard” — would protect or safeguard social programs for years to come. My understanding from listening to Senator Ringuette speak is that we do not know yet if this will save any money. No one was able to give her the information. The Parliamentary Budget Officer said the program was sustainable. We have not been able to get any numbers for many things in this budget when it comes to expenditures or savings.

How will this safeguard social programs if we do not know if it saves any money, and it appears that it will not, particularly if it will not take effect for 10 years and because we have not heard anything?

Also, Senator Ringuette mentioned that 40 per cent of those collecting OAS earn less than \$20,000. The Standing Senate Committee on Social Affairs, Science and Technology, on another issue, heard from Mr. Tony Dolan from Prince Edward Island, the head of the PEI Council of the Disabled. He was fearful about what raising the age from 65 to 67 would do for people who are disabled because they have been living in below-poverty situations and have been waiting until they reach the age of 65 so they can collect OAS and GIS. It would mean a substantially increased standard of living for them.

Did the honourable senator hear at committee the effect that this measure will have on those who are disabled?

Senator Ringuette: May I have five more minutes?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Ringuette: At our last meeting, we heard from a group that was very concerned about the effect. We must realize that if the government has made an impact assessment of this measure, it is not being made publicly. There will be an impact in regard to all the services being provided, whether it is housing, medication or home care, based on the fact that people on OAS live in all the provinces. This measure would all have an impact on provincial costs, notwithstanding the fact that these seniors will not be getting any income.

One of the impacts that I truly believe will result is the negative effect it will have on youth unemployment. We know that right now in Canada the largest group of unemployed workers is our youth. It does not seem that this trend is in reduction mode. Therefore, when we look at the fact that seniors will be working two more years, from 65 to 67, those are two years that younger Canadians who have student loans to pay, perhaps with a young family, will not have access to these jobs. The rate of unemployment in our youth population will also grow.

There are so many different impacts, whether it is with the disabled population or our native population that will be seriously affected by these measures. There is also the cost to provincial coffers.

I truly believe that having the OAS in Bill C-38, the budget bill, demonstrates an abuse of power and a definite lack of courage on the part of the Prime Minister of Canada for a measure that he only wants to implement 10 years from now. Canadians are reasonable people. They are very intelligent. They can sit down and look at the facts and make their own assessment of the situation. Unfortunately, the facts have not been given to us, not to mention the Canadian people, to look at and rationalize and see for themselves.

I certainly think that this particular measure shows a lack of courage in relation to the Prime Minister of Canada.

Hon. Art Eggleton: I have a question in what time there is left, and then I wish to speak.

Senator Ringuette has proposed an amendment. Could she give us the effect of that amendment? Amendments, by their nature, are legalese in terms of their composition.

Senator Ringuette: In regard to OAS, which is the major one, from my perspective for the time being, it removes the schedule from 65 to 67.

In regard to Employment Insurance, it creates an obligation on the minister responsible for HRSDC to establish criteria in order to determine "reasonable employment." There are also measures in regard to the fisheries that need to be corrected.

There is an issue with the preamble in the Bank Act that completely removes the responsibility and obligation of the Province of Quebec to introduce legislation in relation to laws they currently have to protect consumers in regard to banks and financial institutions, i.e., credit cards.

• (1520)

As well, there is a major issue with relation to payments to veterans and Canadian Armed Forces retirees. That is the bulk.

(On motion of Senator Eggleton, debate adjourned.)

[Translation]

ALLOTMENT OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have been unable to reach an agreement with the Deputy Leader of the Opposition about the time to be allocated to this debate, so I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[English]

CANADA—JORDAN ECONOMIC GROWTH AND PROSPERITY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Angus, for the second reading of Bill C-23, An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan.

Hon. Percy E. Downe: Honourable senators, I wish to join the debate about Bill C-23, an act to implement the free trade agreement between Canada and the Kingdom of Jordan.

Senator Nolin pointed out that the objectives of Canada-Jordan trade extend beyond economics and that this agreement should be seen as part of a broader effort to promote security and development in a troubled part of the world.

I concur in this view for two reasons. First, any effort, however small, to promote peace and stability in the Middle East is to be applauded and will naturally find support from this side of the chamber, and second, because, frankly, the economic impact of this agreement is not likely to be major.

As is its habit, the government has chosen to attach some talking point lines and spin to the title. In this case, it takes the form of the subtitle, "Canada-Jordan Economic Growth and Prosperity Act." Given the scale of Canada-Jordan trade, I would say that prosperity might be a tall promise, but there is certainly room for growth. It could have just as easily been called the "Nowhere to Go But Up Act" given that Jordan is our eighty-eighth most important export market, to the extent that the term "eighty-eighth most important" has any meaning. Indeed, if our exports to Jordan were to double overnight, it would make that country as important a market for Canada as the Dominican Republic.

In fact, studies have indicated that Canada's exports to countries with which we have free trade agreements have grown more slowly than our exports to other nations. For example, balance of trade statistics from Industry Canada indicate that in 1996, the year before a free trade agreement with Israel, we had a trade deficit of just under \$27 million. By last year our trade deficit with Israel had grown to \$580 million. Our trade with Chile went from a surplus of \$73 million in 1996 to a deficit of over \$1 billion in 2011.

It goes on. The year free trade with Costa Rica began, in 2003, our trade deficit was almost \$226 million. Last year it was over \$315 million. In the two years since we entered into free trade with Peru, our trade deficit has gone from under \$2.5 billion to almost \$3.9 billion.

I said earlier that Canada's trade with Jordan is minor. Last year, for every dollar's worth of goods we exported to Jordan, we sent over \$4,700 to the United States. Our total bilateral trade with Jordan totaled \$88 million in 2011 while our trade with the European Union totaled more than \$92 billion.

As honourable senators know, Canada has undertaken negotiations toward a trade agreement with the European Union, a serious trading partner and a serious negotiator. Why, when discussions have been ongoing with the European Union since 2008, have we undertaken so many deals like this — minor, one-off deals that do not significantly impact Canadian trade?

The stakes are high, and there is great cause for concern. This government has presided over a 7.5 per cent decline in the values of goods and services exported to other countries while our trade deficit quadrupled. Exports as a proportion of our gross domestic product now hover around 30 per cent. When this government came to power, it was 38 per cent. These are disturbing trends.

Michael Hart, the Simon Reisman Chair in Trade Policy at Carleton University, has written about Canadian trade negotiation and has criticized the federal government for

spending time negotiating deals that "provide the illusion of engagement but that lead, at best, to marginal results."

Instead of securing free trade agreements with minor markets and pursuing the Doha Development Round of World Trade Organization negotiations, Professor Hart argues that Canada's focus should be on the promotion of more diversified trade patterns with new emerging markets, such as India and China. Professor Hart sums up the problem with this government's current approach:

Free trade agreements with minor trading partners . . . are marginal in their economic and commercial impact but large in their ability to gobble up political and financial resources.

Don Stephenson, an official from Foreign Affairs and International Trade, said before a House of Commons committee in 2010:

The reasons that we entered into trade agreement talks were largely political, but the discussion itself focused . . . on trade and tariff issues.

Canada needs to engage with political and trade partners and build new relationships, but the question is this: Are these minor trade agreements the most effective tool at our disposal? For example, Canadian officials on the ground are needed in trade development and promotion, whereas this government is cutting back at the Department of Foreign Affairs and International Trade. This spring, the government announced it is eliminating 35 commerce officers, public servants specifically tasked with trade promotion, and cutting trade offices across Canada. Seven of the 18 offices are on the chopping block, as are similar facilities in the United States with closures stretching from Arizona to Alaska.

Canadians have a right to wonder whether this government is making the best use of its diplomatic resources and is paying attention to larger trading relationships. The minor trade agreement before us takes time and resources away from our major trade partners and the many other details vital to trade but outside free trade agreements.

For example, last week honourable senators might have seen an article in the publication *Embassy* about the problems Canadian businesses have with potential customers and investors trying to secure visas to visit Canada. The Standing Senate Committee on Foreign Affairs and International Trade has heard this many times before. It is worth quoting our recent report on relations with Brazil.

The Committee believes strongly that the status quo about how Canadian visas are issued is not acceptable. The long-term impact of the situation includes limiting how far and how quickly Canadian-Brazil relations can go. Indeed, the situation amplifies the growing but unintentional disconnect between the more globalised world and the primary function of visas. Whereas the Canadian government is identifying markets such as Brazil as priorities for expanding commercial exchanges, it maintains a procedure that ultimately restricts the movement of the people who are at the heart of these relations.

• (1530)

I dare say, honourable senators, that fixing our current visa system would do as much and more for international trade than the agreement we have before us today.

However, even within the restriction of trade negotiations, there are limits to our capacity and resources, particularly at this time of restraint, and it is clear that our negotiators face challenges negotiating with the European Union.

Over the years, we have heard repeated claims of rapid progress. Indeed, we were told that the deal would be finalized in 2011. The reality is that repeated delays and postponements mean that much remains to be done. In response to official claims that negotiations are 75 per cent complete, one analyst stated that may be the case, but warned that the last 25 per cent is going to be the hard part.

In the past, governments used to draw far beyond the public service to fill the ranks of its trade negotiators, because negotiations of this importance warrant the maximum effort by those working on Canada's side of the table. Probably the best known example of this is Simon Reisman, who had been retired from the public service for a decade when Prime Minister Mulroney called on him to head the negotiations with the United States over free trade. Prime Minister Mulroney appreciated that, when important issues are at stake, the best people must be employed, whether they come from the ranks of the public service, academia or the corporate world.

By contrast, we recently learned that this government has chosen not to follow that example and instead employed no outside negotiators for the Canada-EU agreement. Private sector professionals in fields such as law, trade, business and accounting should have been retained to work on this important file. Instead, these people are being ignored and their skills untapped.

As the Standing Senate Committee on Foreign Affairs and International Trade recommended in its report on free trade with Peru in 2009:

Given the importance of trade for the prosperity of Canadians, it is also recommended that the Government of Canada ensure that our best negotiators, either inside or outside of the federal government, represent Canada in trade proceedings to obtain stronger and more effective trade agreements.

If this government keeps running around the world signing agreements for its own sake, then the men and women of our public service will be stretched to their limits, to the detriment of our international trade.

Not only are the one-off trade agreements like the one we have before us lacking vision and cohesion, they take time and valuable resources away from other efforts. We have not focused our resources on our negotiations with the European Union, a tremendously important market. We are negotiating all around

the world with minor trading partners, and all the protocols and all the conventions in the world will not turn them into major trading partners.

The government has declared that they want the European Union deal to be the most ambitious trade agreement we have ever had and that they are looking for something that is deeper and broader than even NAFTA. It comes down to priorities and focus.

Derek Burney was Brian Mulroney's Chief of Staff during the negotiations for the Canada-United States Free Trade Agreement. Speaking earlier this year about this current government's scattershot approach to trade negotiations, he said:

These are all encouraging moves. . . . But what the government needs now is a sense of priorities. Mr. Harper needs to take charge and give negotiators the authority to get results. They haven't put anything in the window yet.

This free trade agreement between Canada and Jordan will not drastically affect our future trade, but our duty in the Upper Chamber is to consider this agreement carefully for Canadians. In committee, we can have a full discussion about this agreement. We can question why our government failed to negotiate a stronger deal, and we can hear directly from stakeholders how this deal will work for Canadians.

As I mentioned, Jordan is a minor trading partner with Canada. Our two-way trade totaled under \$89 million last year. Exports of my home province, Prince Edward Island, to Jordan amounted to \$67 last year. That is \$67, maybe a couple lobster take-out dinners. However, it must be said that it is a marked improvement over the previous year, when there was no trade whatsoever. As I said at the start of my remarks, room for growth.

I hope that this bill is given careful consideration before the Foreign Affairs and International Trade committee over the next few weeks.

I note that the former Chair of the Foreign Affairs and International Trade Committee, Senator Di Nino, unfortunately is not a member of that committee any longer, but I wanted to mention the tremendous assistance he has been to me in the past in that committee and in my years in the Senate. He is a very good colleague and, whenever he eventually leaves this place, I will miss him very much.

The Hon. the Speaker *pro tempore*: Further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Nolin, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Doug Finley moved second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

He said: Honourable senators, I rise today once again to bring your attention to the critical issue of freedom of speech. I first raised this issue in 2010 when I called for an inquiry into the state of free speech in Canada and a debate of section 13 of the Canadian Human Rights Act.

Today I raise it with regard to a bill presented by MP Brian Storseth to repeal section 13. I applaud Brian Storseth for putting this much-needed bill forward, and it is a great honour to be the sponsor of this bill in the Senate.

Freedom of speech is a right we cannot and must not take for granted. It is a fundamental foundation of a democratic society. All of our other rights and freedoms depend upon our ability to express ourselves freely without reprisals from the state. It is, as Alan Borovoy refers to it, a “strategic freedom.”

Speech is the freedom that we must jealously guard. We must protect its integrity and contributions to public debate, because if we were to be stripped of every other right, we could earn them back with this one.

It is with this in mind that the House of Commons has passed this bill to repeal section 13. It received support from Liberal MP Scott Simms and, in past Parliaments, had received support from former Liberal MP Keith Martin.

• (1540)

It is a response to the decrepit state of free speech in Canada that is a consequence in large part of the malpractices and censorship of human rights commissions.

Freedom of speech has been jeopardized by section 13. The broad scope of this section and the wide investigative powers and quasi-judicial independence granted to human rights commissions places too much power in the hands of unelected officials. These commissions have, in the last decade at least, run roughshod over the civil liberties of Canadians. Political correctness has run amok.

The abuses of both provincial and federal human rights commissions cannot be allowed to continue unabated. The censorship of politically incorrect statements in publications is not only wrong but also contrary to our democratic principles.

Comedian Tommy Smothers, for those of you old enough to remember, once remarked that “the only valid censorship of ideas is the right of people not to listen” to them.

If you find an idea stupid, it is your right to ignore it. If you find a joke offensive, it is your right to disregard it. Even statements one might find intolerable or heinously out of line with reality deserve the opportunity to be heard and ignored.

According to former Supreme Court Chief Justice Dickson, “hatred or contempt” refers to only “unusually strong and deep-felt emotions of detestation, calumny and vilification.”

Words that are vehemently hate-filled and full of contempt can be dealt with under the existing provisions of the Criminal Code of Canada. Controversial speech has the ability to generate wider public discourse on varying issues that range from religion, to censorship, to tolerance, for instance.

Mandated political correctness has the unfortunate side effect of limiting the scope of possible debate.

Our principles are those of Westminster’s traditions, which include tolerance of a wide array of viewpoints, however nonsensical or critical they may be. The Canadian Civil Liberties Association says that the “proper response to speech that is offensive, distasteful, or upsetting is counter-speech.”

We do not censor people in Canada based on religion, and we certainly do not censor people based on their hurt feelings. There is a clear difference between being harmed or threatened and being offended. Physical harm, calling for genocide, hate crimes or inciting others to commit violence against identifiable groups clearly are handled within the justice system by existing provisions in the Criminal Code.

Hurt feelings and what one considers to be blasphemy fall under that latter category of being offended. We have no right not to be offended in Canada.

The purpose of human rights commissions and their legislation is not to protect people’s feelings or impose their religious beliefs on others; rather, their apparently noble purpose is to prevent the discrimination of Canadians in employment, residential accommodation and wage situations.

Section 13 and its provincial counterparts are well out of line when it comes to meeting the original purpose of these ordinances. Shimon Fogel of the Centre for Israel and Jewish Affairs wrote:

Section 13 of the Canadian Human Rights Act was created as a shield to protect the most vulnerable members of society from heinous messages of hatred. Historically, it provided an effective tool for Canadians, particularly in the fight against Holocaust denial. Unfortunately, Section 13 and its provincial counterparts have increasingly been used as a sword, brandished to stifle valid criticism and chill legitimate expression.

The opportunity for exploitation is too great for these flawed acts to stand without reparation. Anyone can instigate a human rights commission investigation at no cost to their person. They stand to gain in awarded damages of up to \$10,000.

Defendants too poor to afford legal advice or unwilling to spend years in a quasi-legal fight are more likely to roll over and acquiesce to a bureaucrat-mandated penalty. Even if they buck the trend of a 96 per cent conviction rate and win, they do not have their costs covered by the complainant or the government. This no-risk, high-reward system promotes its own exploitation.

Ezra Levant faced a gruelling 900 days of investigations by the Alberta Human Rights Commission. He was interrogated in a kangaroo court by a public servant, not by a judge in an actual court of law. He was embroiled in a process so at odds with the rule of law that it in fact appears to violate the Charter rights of Canadians.

Section 11 of the Charter provides Canadians due process rights, yet the Canadian Human Rights Act flouts this significantly. It ignores the legal rules of evidence, allowing for hearsay to be heard and considered as fact before a human rights tribunal.

Further, the CHRA specifically prohibits the defendants from retaliating by suing a complainant for frivolous or malicious actions.

In order to share his ordeal and other Canadians' run-ins with censorship crusaders of human rights commissions across Canada, Levant published a book called *Shakedown* that became a bestseller almost instantly, and I will note that this piece was recently proclaimed as the best political book of the last 25 years.

There are many Canadians who have faced human rights commissions in obscurity, charged under section 13, or its equivalents, but without the resources and determination that Levant had. How many of them were and are unfairly silenced, guilty of nothing more than offending someone? How many were targeted by malicious or frivolous complaints? How many more Canadians will be silenced in this manner before human rights legislation is fixed?

Respected civil rights activist Alan Borovoy has said in the past of section 13:

Despite my considerable involvement in pressuring the Ontario government, many years ago, to create Canada's first human rights commission, I regret this use of the law.

Even after winning a case, accused Canadians are not compensated for their legal fees as would occur in a real court of law. The complainants are not forced to pay a single cent from their own pocket throughout the entire process, as might occur in a real court of justice.

Let us not also forget the freedom of the press case concerning Mark Steyn and *Maclean's* magazine. *Maclean's* and Steyn were investigated by the B.C. Human Rights Tribunal for their publishing of an excerpt from Steyn's book *America Alone*, which criticized radical Islam and its growing influence in many Western nations.

This censorship controversy incited the Canadian Association of Journalists, PEN Canada and news organizations across Canada to criticize section 13 and its provincial equivalents as undue assaults on free speech, calling for their repeal. Though the B.C. Human Rights Tribunal eventually found in favour of *Maclean's* and Steyn, I think it quite obvious they were compelled to do so only because of *Maclean's* considerable pockets, legal team and an outpouring of public sympathy for the embattled defendants.

• (1550)

Our former colleague in this chamber, Senator Jerry Grafstein, once remarked of Ezra Levant and Mark Steyn that both should receive the Order of Canada. He said of human rights commissions that "sometimes agencies in a free society are taken hostage by extremists." I must agree that this appears to be exactly what is going on with these commissions.

Since the conclusion of these two high-profile cases, public discussion regarding censorship and human rights commissions has ebbed. Politicians of many stripes who, during the height of these kangaroo court proceedings, called for abolition of commissions or amendments of certain sections of the human rights acts across Canada, have now gone relatively silent.

The *Lemire* case demonstrated the abuse of section 13 by public employees. A CHRC commissioner, Richard Warman, was discovered to have used Internet forums to incite and goad others into writing hate messages so that they could be charged under section 13. Warman, himself, wrote hate messages in the process, violating section 13. Despite this, he has never been charged under section 13.

When this was learned by the media, the public at large was beside itself. The majority opinion at the time was clearly to rid Canada of these thought police. I now ask, where has that outrage gone? Where has the will to reform a broken system gone?

Make no mistake: human rights commissions across Canada remain deeply flawed government agencies for some of the reasons I have outlined already. Further, the leadership and officers of some commissions act as political activists hell-bent on censoring those who do not conform to political correctness or their grand visions of how society should behave.

Language found acutely intolerable should be, and is, roundly condemned by society at large. Nothing is more powerful a tool of rejecting a bad idea than that of the community as a whole marginalizing it on its own volition.

Echoing this sentiment admirably is a famous quote oft attributed to Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it."

Just because we might find an opinion or statement disagreeable or reprehensible to our senses does not mean that we should deny it the opportunity to be heard.

John Stuart Mill wrote:

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind.

We must be mindful when the state seeks to squelch ideas that aim to provoke discussion. When we willingly limit one freedom of ours in the name of placating one group, it becomes easier to limit other freedoms for a similar basis.

We can never underestimate the rationality of individuals to decide what is best for themselves. When presented with a free market economy, individuals generally purchase the best goods and not the worst goods. In a marketplace of free ideas, the better ideas will prosper and gain traction; the poorer ideas will be left by the wayside.

With all of the controversy in regard to section 13, Canadians, I feel, have shown that they want to eliminate this clause. We must stand as a bulwark against the perilous creep of censorship and beat back the troubling gains that it has made. Let us lead by example and protect the most sacred freedom of all Canadians. Let us move to fix the Canadian Human Rights Act by repealing the erroneous section 13.

Let us leave it to the courts and to the Criminal Code, where due process and fair trials reign, to discern what speech is hateful and contemptuous.

I urge all senators and provincial representatives across this nation to stand up for freedom of speech, to stand up for Canadians. We live in the greatest nation on earth, the true north strong and free. Let us live up to that mantra of freedom and lead by example by repealing section 13.

(On motion of Senator Munson, debate adjourned.)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I take this occasion to draw your attention to the presence in the gallery of a special group. The group includes Karen Di Nino, Georges Lamy, Tanina Lamy, Étienne Lamy, David Di Nino and Jennifer MacDonald. They are family and an assistant of our colleague the Honourable Senator Di Nino.

Hon. Senators: Hear, hear!

ROYAL CANADIAN MOUNTED POLICE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell, calling the attention of the Senate to how the allegations of sexual harassment and harassment generally can be better handled in the RCMP.

Hon. Pamela Wallin: Honourable senators, I rise to speak on the inquiry and the motion regarding the RCMP, a national institution near and dear to most Canadians, which has been providing law and order since Confederation.

The RCMP has grown enormously in size and in the vital role it plays. In 1974, women proudly joined the ranks. Today, the RCMP is a municipal, provincial, federal and international police force. It has been and remains an enduring part of our Canadian national character, in which we quite rightly take pride.

I do not know what the experience of the senators opposite is, but I knew many RCMP officers who served in my home town of Wadena over the years. They were fair and very good at their job, but they were also valuable and generous members of the community. I am a proud supporter of the RCMP and I do not want to see the institution maligned or undermined unfairly.

In speaking on the RCMP, I would also like to say a word about the proposed new order of reference by Senator Mitchell for the committee that I chair. This is a troubling precedent. First, he should propose any new order of reference through his voice on the steering committee, the deputy chair, and, failing that, one would think that as a show of respect for his fellow committee members and for this chamber he would propose the issue there, debate it and seek agreement.

It is not just those on this side who should be troubled about allowing one lone member to try to hijack a long-respected committee process. I reject Senator Mitchell's purpose and intent fundamentally when he seeks to turn the committee into some kind of kangaroo court, what he would call a truth and reconciliation commission.

It is completely inappropriate to try to distort the role of committees for partisan gain. Furthermore, it is irresponsible in the extreme to parade the personal details of people's lives for the pure shock value.

I have become convinced that Senator Mitchell, while saying he wants to see the RCMP fixed, seems intent, through his rhetoric and his actions, on actually making reforms harder to achieve. Those I have consulted inside the RCMP, as well as legal and parliamentary experts, agree.

I simply do not know why he persists in smearing the RCMP, its new commissioner and a tough new piece of legislation designed to deal with some of the more troubling members of the force, and which will actually assist the commissioner in getting rid of them.

• (1600)

Currently, within the RCMP, there is a series of disjointed processes to establish whether to proceed by either a code of conduct investigation or a Criminal Code violation. Complainants are offered no privacy protection, and neither are the accused.

The commissioner has explained repeatedly that the workplace is a complex environment. For the many complaints that are real and justified, there are also some that may be launched for other reasons — punishment, retribution or as an attempt to distract as

cover for one's own bad work habits. As in any workplace, there can also be instances of substance abuse or psychological or anger issues. Some even suffer from PTSD. There are those in need of help, not punishment — all the more reason why a proper internal complaints system is so desperately needed and why it would be totally irresponsible to allow the Senate committee to become a venue for anecdotal allegations.

These important incidents need a proper response, but that should not be some contrived forum that, unlike the courts, is not equipped or designed to weigh the truth or otherwise of testimony, nor to adjudicate on it.

Senator Mitchell's approach tarnishes the reputation of the entire national police force rather than finding ways to weed out the wrongdoers and, in the process, diminishes the correct and legal avenues that are the best option for women who were harassed sexually or in other ways by male colleagues to find the justice they actually deserve.

His approach is a false promise that offers false hope, and it would diminish the commissions that have been mounted under the same name, as was the case in South Africa and here in Canada with residential schools. In this case, it is nothing more than a demand designed to create a forum to continue besmirching the reputation of the RCMP. That is not truth and it is not reconciliation.

What the senator really wants is a venue where his comments are protected by parliamentary privilege, where he could carry out a trial by innuendo against the RCMP — just another opportunity to make allegations he cannot necessarily support, allegations that cannot be refuted.

I think this is unethical, nasty and unfair. Where is his moral outrage about people's rights when he is prepared to ride roughshod over the right to be considered innocent until proven guilty?

Despite all the finger wagging and the yelling, his attacks achieve nothing except to perpetuate the Liberals' long-standing war with the RCMP — and a note: saying something louder does not make it true.

In fact, it seems his behaviour is part and parcel of a pattern by the Liberals in this place with respect to the RCMP. It started with Senator Kenny, the former Chair of the Standing Senate Committee on National Security and Defence, who drafted a report that was, as far as we could see, essentially based on his own opinions instead of actual testimony. Senator Mitchell, it appears, seeks to become a kind of Mini-Me of the former chair. Fortunately, that report on the RCMP was never approved by the committee. My Conservative colleagues fought hard to make sure that never happened.

However, that did not stop the Liberals. They used privileged testimony and papers gathered by the taxpayer-funded committee. They then, once this chamber had recessed, unilaterally produced their own so-called "position paper."

That did not grab all the headlines they wanted. They had been missing what they consider their rightful place on the front pages since falling to third party status. They had been looking for an

issue to propel them back into the media spotlight, so now a phrase they can hype and distort and hope the TV cameras will once again come looking. It is a desperate move, but it is also a dangerous proposition.

In fact, one former senator opposite actually spelled out the scenario when he suggested to me a few months back — and I think he meant it quite genuinely — that I could really make a name for myself as committee chair and put the committee on the map if we turned the committee into a forum for those who had been harassed or had become disgruntled with the RCMP, to actually parade the horror stories and feed the media machine.

I think that fundamentally sums up the profound difference in our approach to matters of national security and defence. They want the spotlight. It is about making a name for themselves. They crave attention. They do not want a serious approach to solving real problems for real people, the people who risk their lives for us every single day.

Let me be clear: I share the commissioner's view that there are issues inside the force that must be resolved. Not everything can be resolved with a rule or a regulation, but when those rules and regulations are breached, there must be a consequence. Those who engage in illegal or offensive behaviour should be fired, not docked 10 days' pay.

The leadership must be working every single day to create a culture where outrageous acts do not even occur, where training and assessments are so rigorous as to ensure only the fit are hired and promoted and that those who need help are given that help or training or an exit strategy. Leadership will be key as the force works through this process.

That is why Commissioner Paulson is in the job, the man who is prepared to name the problem, because until we do, we cannot begin to solve it. The commissioner worked very closely with government to design the new legislation so that it might truly become the kind of tool he needs to solve the problems.

As a woman, as a human being, the testimony heard by internal tribunals is appalling. No woman in any workplace should have to put up with this kind of conduct, or any form of harassment, nor accept the slap on the wrist so-called "punishment" that is meted out to some proven offenders. That is exactly why we need the new legislation, to give the commissioner the tools not only to punish or fire the guilty but to set up a system that will be seen as credible and fair and understood by all members of the force, men and women, to be credible and fair.

I will repeat what I have said before: The committee, while I am chair, will not serve as a forum for people to anecdotally share their experiences without proper legal defence or advice, and by the same token our committee will not try people in the court of public opinion, with Senator Mitchell trying to live out some Perry Mason or Jack McCoy fantasy.

How many ways can we say this? These matters are for the courts. There is actually a class action before the court in British Columbia.

At the same time, the Commission for Public Complaints Against the RCMP has launched an investigation into workplace harassment. The new RCMP commanding officer in B.C. has trained 100 investigators to clear the backlog of harassment complaints. He has also set up a consultative process that, in 10 weeks, heard the views of more than 400 female members about the inadequacies of the current reporting system. A comprehensive action plan is now being prepared.

We will not support a new order of reference from the Senate to study allegations of RCMP workplace harassment in the manner that Senator Mitchell proposes, but what we will do in the Senate committee is continue to invite Commissioner Paulson to provide us with updates on the progress he is making in reforms, reforms that include but go well beyond workplace harassment.

Parliament will also be considering Bill C-42 in committee in both chambers. Commissioner Paulson thinks this bill will strike the balance between giving him tools to deal with bad apples and ensuring that he can work with his members to correct bad behaviour. If the conduct is clearly criminal and there is sufficient evidence to proceed with laying criminal charges, he will do that.

The commissioner rightly pointed out that he cannot be seen nor does he think anyone wants the commissioner to be able to influence people who are being asked to apply their discretion in their review of evidence. Otherwise, there is no process.

Bill C-42 would allow the commissioner to appeal decisions by the new conduct boards if he disagrees with them. At present, no officer in the RCMP can seek a greater penalty than whatever a discipline adjudication board imposes.

Bill C-42 would also streamline the current discipline and grievance processes within the RCMP to ensure faster resolution of problems by giving front-line managers, such as detachment commanders, more power to act instead of always having to kick matters upstairs. Rather than taking up to five years, as is now the case, these matters would be dealt with in one year or less.

If dismissal were required, the matter would be referred to a conduct board considerably different than the current adjudication boards that the senator complains about. The conduct boards would be able to consider and resolve cases in the fastest, most informal way possible.

The commissioner would be authorized to discharge members for non-disciplinary reasons such as absenteeism or poor performance.

• (1610)

Bill C-42 would create a new civilian review and complaints commission to replace the Commission for Public Complaints. Among its new powers, this commission would have broader access to RCMP information and enhanced investigative powers including the power to summon and compel witnesses to give evidence.

Bill C-42 would provide the statutory framework to improve the transparency and public accountability of criminal investigations of serious incidents involving RCMP members. The provinces would

be able to appoint an investigative body or other police force to look into such incidents. If the province chose not to, the RCMP would refer the investigation to another police force, and this would virtually eliminate the RCMP investigating itself.

Commissioner Paulson added that aside from the legislation, "We are also building the supporting mechanisms, policies and statutory instruments, such as commissioner's standing orders, that will have to give life to these systems." As for the matter of cultural change, which he said is his goal, Commissioner Paulson explained it this way:

You can't just go down to Costco and buy a new culture. You have to concentrate on doing your core duties and then the culture flows from that.

Amen to that. The Liberal Party might take a page from his book.

This is what Commissioner Paulson is actually doing. The government is assisting by providing new legislation to make the process work better and more effectively. So instead of holding some trumped-up truth and reconciliation committee, the Standing Senate Committee on National Security and Defence will get at the truth and will reconcile the differences by constructively helping management to fix the problems.

Procedural tricks to try to force the committee to engage in irresponsible behaviour will not work. Committees are their own masters. Common sense will prevail, and we will save you from the embarrassment you so richly deserve for proposing this.

Hon. Roméo Antonius Dallaire: Honourable senators, I consider it my duty, as the deputy chair of this same committee and as someone who is also a member of the steering committee that will be participating in deciding what the committee will and will not study, to take the adjournment in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Dallaire, debate adjourned.)

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I wish to rise on a point of order in relation to rule 51 of the Senate, which states that in the Senate it is forbidden to raise matters in a way that is personal, sharp, or taxing.

I find the comments made by the honourable senator to be beneath this chamber. Comments such as saying that an honourable colleague on this side "is trying to live out some fantasy," and that a colleague on this side "is deliberately trying to make things worse rather than better" — surely these types of accusations are, as I have said, beneath any member of this chamber.

As His Honour has often said in previous rulings, the carpet is red in this chamber, and the carpet is red in this chamber because we are invited to act in a manner that is courteous, dignified and

speaks to the status that this chamber always has had. I believe that as members in this chamber, we can contribute to this by avoiding deliberately provocative remarks, thus better serving our purpose here.

Hon. Gerald J. Comeau: Honourable senators, I, for one, would certainly like to get involved in this debate. I am probably as guilty as everyone else on occasion, and in the enthusiasm of listening to the other side, I do make comments directed to the other side. If ever I have offended anyone, by all means I regret it.

I think the Honourable Senator Tardif has raised an interesting point. I could name a number of individuals on her side in the past few days referring, for example, to the Prime Minister as a liar.

An Hon. Senator: Oh; that is what he said.

Senator Comeau: Also, an individual was calling our Prime Minister of Canada Mr. Harper. Why not call him Prime Minister Harper?

In the many years I served in both Parliaments — in the House of Commons and in this chamber — never once did I refer to Prime Minister Chrétien as Mr. Chrétien or to Prime Minister Martin as Mr. Martin. I said Prime Minister as a sign of dignity and courtesy, but it was directed toward the office. I always respected the office.

One need only to listen to Senator Mitchell to find out how negative and how nasty a debate can become.

I happen to agree with Senator Tardif. If both sides — and I repeat, both sides — were to respect the suggestion that she has just made, I think this place would be a far better place. I refer to both sides. I encourage us all to listen to the comments that she has made. It is up to His Honour to determine whether or not there is a point of order, but I would respectfully suggest that it is up to us and not to His Honour to start debating whether certain individuals have overstepped the bounds. This one is certainly not the case.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, picking up on the points made by my friend Senator Comeau, I think all of us, sometimes in the heat of debate, throw something across the aisle we rather wish we had not said. On the one incident that he mentioned, at one point I talked about Mr. Harper and he took, as did Senator LeBreton, great offence at it. I checked and went to see him the next morning and said I did not mean any offence by it, and I think he accepted that. I did point out that on several occasions honourable colleagues, including Senator LeBreton, had referred to previous Prime Ministers without their full title. That is, as Mr. Chrétien, Mr. Mulroney, Mr. Martin. I am sure the leader did not intend any disrespect when she used those phrases; neither did I.

However, I think there is a difference here that I wish to bring to His Honour's attention. It is one thing to be provoked or to allow oneself to be provoked into saying something that is unparliamentary and that one regrets saying. It is another thing to stand in this house with a prepared text and to deliver what are, I

would suggest with the greatest of respect to the Honourable Senator Wallin, nothing more than calculated insults. I think that is beneath her. I would not have expected her to deliver those kinds of words in a prepared text in this chamber; I would not have expected any of us to do that. I ask Your Honour to take that into consideration when considering this point.

Honourable senators, it is unfortunate that, as we draw near the end of this session, anyone would try to inflame both the debate and the feelings in this chamber. All of us have been here a long time. All of us are trying to do the best we can do in trying circumstances. I think it is unfortunate at the very least, and perhaps unparliamentary, for the Honourable Senator Wallin to have delivered a prepared text with these observations, as opposed to a casual comment across the aisle. I fully accept what Senator Comeau said in that respect. I support strongly the points that the deputy leader has said.

Hon. David Tkachuk: Honourable senators, this is not some modern-day church basement debating club here; we are in the Senate of Canada. I have been here 17 years. This is mild compared to what I have heard from the other side, both when they were government and now that they are in opposition. I have heard Prime Ministers on my side called criminals. I am sorry; if you cannot take the heat get out of the kitchen.

• (1620)

What I am offended about is that one of our senators decided to take on something that Senator Mitchell over there spent a whole lot of time talking about; she took it on, and she takes this matter really seriously. She may have been tough on them, but I do not see anything wrong with that. She did not call the Liberals anything that we have not heard from our side. We have been called crooks. I have heard that language here from many senators on the opposite side. I have sat on committees where the Liberals were the majority and I have been totally abused. I did not sit here and complain about it; I tried to get my little bit of revenge.

Nonetheless, I think we are grown ups here. I think we are picking on Ms. Wallin over what I thought was a terrific speech, and I told her that right after she finished speaking. I think she meant what she said, and senators opposite should take it upon themselves to have a good look in the mirror before they start throwing stones in this direction; I will say that.

Hon. Joan Fraser: Honourable senators, I just want to say a few words in support of Senator Tardif's point of order. I would repeat one of the points made by Senator Cowan, that there are differences in the way a speech may be deemed acceptable according to what is going on. Question Period is perhaps the time when we are most accepting of very free rein in speech. A written, prepared text on a matter of general debate, and on a matter of considerable gravity, is a different matter.

The rules address personal, sharp and taxing remarks. There has been, over the years, considerable debate about precisely what those words mean, but I think the intent is quite clear. I think, furthermore, that the traditions of the Senate, at their best, will avoid on most occasions irrelevantly partisan remarks, and will avoid — I cannot think of a better word than “nastily” personal remarks.

To go to a couple of examples cited by my friends on the other side, that it is no more an indication of disrespect to call the Prime Minister of Canada — and he is the Prime Minister of Canada — “Mr. Harper” than it was for my long-standing friend and colleague Senator Tkachuk to refer admiringly, just a moment ago, to his colleague “Ms. Wallin.” He did not say “Senator Wallin,” but he was being very complimentary about her.

It is a fact that the Prime Minister of Canada is a man. I have always objected to what my own leader, Mr. Bob Rae, calls “titleitis,” the insistence on always using titles at every possible opportunity. I do not think we need to get all involved about that. I do not think there is anything wrong with referring to a prime minister as “mister” or I hope one day again “Ms. Smith,” or Jones or Tremblay.

I do, however, think that we go down a very dangerous road — and Senator Comeau alluded to this, I think — when on both sides we allow ourselves, at the end of a long and often difficult session, to slip into gratuitous insult. I think gratuitous insult is what we heard today, and I think it is covered by the prohibition on personal, sharp and taxing remarks.

Hon. Michael Duffy: Honourable senators, I take what our friends on the other side have said about the end of the session and people being hot under the collar. However, I think it is important for senators to remember that there is a context here and I believe this is what motivated Senator Wallin’s passionate response.

It was not that long ago that we had the first civilian director of the RCMP subjected to what was, in effect, a public lynching because of the way he managed his senior management and told them they were not up to the job.

Every day, as we walk in and out of here, we see members of the RCMP. What other national police force is there in the world where the people who are policed by these members line up to have their pictures taken with them? These are 26,000 honourable men and women. When the government decided that there needed to be reform — and that has since been followed — some people who were dissidents and rebels in the RCMP colluded with political figures, some of whom gave television interviews and wrote op-ed pieces, stirring the pot, so that the first civilian director of the RCMP was brought down as he tried to bring about the much-needed reforms we are now seeing in that national institution.

I suspect, knowing Senator Wallin — who comes from Saskatchewan, the home of the training depot of the RCMP — and having gone through what we have seen for the last year of what I believe is unwarranted political interference in the management of Canada’s national police, which came not from the government side of the house, I think she then saw what Senator Mitchell was all about.

Honourable senators, when we sit down to consider who is right and who is wrong in this case, I think we had all better take a long, hard look in the mirror and put the RCMP back where they belong, which is on top, and stop trying to use them for political gain.

An Hon. Senator: Oh, oh.

Hon. Donald Neil Plett: Honourable senators, I have certainly not been in the chamber as long as the honourable senators who have spoken before me on this issue. I was hoping that Senator Lang or Senator Manning would speak on this, but they are not in the chamber. Therefore, I, as a member of the committee, will defend my friend Ms. Wallin, Senator Wallin. I will defend her here.

I have had the privilege of serving on this committee with Senator Wallin, and the privilege of serving with honourable senators opposite. My friend Senator Dallaire and I get along fine on the Veterans Affairs Committee.

However, in my time as a member of this committee, Senator Mitchell has, in my opinion, done nothing but try to undermine the chair of our committee, whether it is during committee meetings or when we have travelled. We recently went to Washington. The best part about the trip to Washington is that Senator Mitchell could not make it. I have gone to Washington before, and Senator Mitchell was on that trip. Throughout the trip, he tried to undermine what our committee was doing.

That is what Senator Mitchell did the other day when the Commissioner of the RCMP appeared before our committee. He attacked the commissioner at that committee meeting. I do not believe Senator Wallin is out of place.

The Hon. the Speaker: Honourable senators, it will be helpful to the chair if very specific focus is given to the point of order as raised; otherwise, comments are not helpful to the chair.

Senator Plett.

Senator Plett: Thank you. I will try to contain myself.

I simply want to say on this point of order that I think Senator Wallin made a terrific speech. She said what was on her mind. She said what many of us believe was on her mind. This is a partisan house. This is not, as Senator Tkachuk said, a church basement. Many of us — and I will say certainly I — have been appointed to this chamber because of our partisan involvement.

I have good friends opposite. That does not mean that we cannot make partisan comments. That is what Senator Wallin did today. I certainly support what she did. I think she had every reason to say what she said. I want to echo what Senator Duffy said: Let us focus on the issues at hand, and let us focus on bringing the RCMP back up to where they belong. That is something that Senator Wallin has tried to do and will continue to do.

Hon. Percy E. Downe: Honourable senators, that is not the issue at all. We are not talking about the RCMP here. We are not talking about partisan comments. We are talking about rule 51. If senators do not like rule 51, change it. Rule 51 reads: “All personal, sharp or taxing speeches are forbidden” — not frowned upon or called into question — “are forbidden.”

• (1630)

What we heard today, in the view of many of us here, was a personal, sharp and taxing speech. That is the issue.

We all have our opinions about the RCMP and the current pressures they are under. We know this is a partisan chamber, but either this rule is in the rule book or we take it out. We can have a debate about that, but the rules must be enforced.

Senator Wallin: Honourable senators, I will just endeavour to present to the Speaker for his consideration — I cannot do it now because I will have to research Hansard — that I addressed very specifically some statements made by Senator Mitchell about my beliefs, my feelings about the RCMP, my feelings about sexual harassment in the RCMP, and my stand on how we should best deal with that as a chamber and as a country.

Those statements that he made about my beliefs and my behaviour were untrue and needed to be responded to. Thank you.

The Hon. the Speaker: Honourable senators, first and foremost, I want to thank the honourable senator for raising the point of order, because the issue of order and decorum is fundamental to the good functioning of this honourable house.

I will take the matter under advisement and will, in the fall sitting, come back and deal in a fulsome way with this general question of order and decorum, which is so critical to the good functioning of the house, and any other observation I make based upon the Hansard.

[Translation]

THE SENATE

MOTION TO URGE GOVERNMENT TO MAKE SPORTING FACILITIES AVAILABLE ONE DAY ANNUALLY AT A REDUCED OR COMPLIMENTARY RATE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Wallin:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes, forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunity to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities;

- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;

- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;

- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;

- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and

- (f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I move adoption of the motion.

(Motion agreed to.)

ACCESS TO JUSTICE IN FRENCH

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif, calling the attention of the Senate to Justice in French in Francophone Minority Communities.

Hon. Maria Chaput: Honourable senators, I would like to participate in the debate on this inquiry, but my speech is not ready. I therefore ask to be allowed to participate later for the rest of my time.

(On motion of Senator Chaput, debate adjourned.)

[English]

FOOD BANKS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the importance of food banks to families and the working poor.

Hon. Elizabeth Hubley: Honourable senators, I would like to speak to this inquiry and I, therefore, adjourn the debate in my name for the remainder of my time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Hubley, debate adjourned.)

BENEFITS OF IMMIGRATION

INQUIRY—DEBATE CONCLUDED

Hon. Consiglio Di Nino rose pursuant to notice of June 13, 2012:

That he will call the attention of the Senate to the benefits of immigration in our past, our present and our future.

He said: Honourable senators, this a big surprise for all of you, right?

I would like to say a few things about the actual inquiry itself, if I may, because it is something that I have been giving some thought to, and I think my comments will hopefully bring a different perspective to what I think the value of immigration is.

Immigration has been a critical factor in the development of Canada and many other nations. I do not believe there is any disagreement in this chamber on that. Immigration brings many benefits to the host country. These benefits span all facets of the nation. Economically, socially and culturally, immigration has enriched the nations in which people have settled.

As a trading nation, Canada constantly assesses its trading relationships. However, we must also focus on the incomparable value of immigration. Countries that welcome immigrants benefit in many ways. Their prosperity is directly related to those who choose to build their futures in the host country.

There is another side of the coin, however. Europe is facing very serious economic challenges and, in my opinion, these economic difficulties, to a large degree, relate to immigrants. The countries where the problems seem to be most serious — Greece, Portugal, Spain, Italy, Ireland and others — are those whose human capital drain over long periods and in large numbers has certainly impacted their prosperity. They lost generations of their best. They lost their most precious asset at an enormous cost to their economy and social fabric.

Whether in the past or today, immigrants bring with them courage, determination and focus, and they are strong willed. They are risk takers and entrepreneurs: the people a country least needs to lose. When they leave in large numbers, they weaken the fabric of a nation. The benefits to the host countries are enormous and last forever.

Examples of this are, of course, countries of the New World like Canada. Everywhere immigrants have gone, they have contributed to creating prosperity. The results are undeniable. In the past few years I have made similar comments a number of times, particularly in Europe, and the response, much to my surprise, has been quite accepting.

Obviously, I do not have that much time to continue on this, but some day this may be a great topic for an inquiry. I would suggest one of my colleagues may want to think about that.

As I suspect most honourable senators know, I rise today to inform you that officially, on June 30, I will be leaving the Senate. I suspect some are saying “good riddance” and “it’s about time,” — probably more on this side because they know me better.

Honourable senators, I never expected to be here this long, but life is very unpredictable. Over Christmas of 1999, Sheila, my wife of 40 years, and I, were sitting by a roaring fire enjoying a couple of glasses of great red wine and planning the next phase of our life together, which did not include the Senate. Some three months later, the word “cancer” changed our lives. Less than a year later, she left this world, as she proudly said, to join her idol, Mother Teresa, with whom she had spent several months assisting the Sisters of Charity in Calcutta in their wonderful work. I do not doubt they are both in heaven doing whatever it is that angels do.

For a number of years the Senate became my refuge, a place of transition, which a number of colleagues who have shared similar tragedies, I believe, understand well. What followed is a long, complex story, but the challenge of reuniting my political family became a major focus and preoccupation. Some will recall that shortly after the 1993 election, former senator Ron Gitter and I, both from this side, started an informal dialogue on this issue with Ian McClelland and Jim Silye of the Reform Party. That dialogue continued and expanded throughout the years. In fact, what I am saying is my focus changed.

• (1640)

Sheila left a valuable legacy — our son Frank and daughter Karen, both of whom I am very proud of, but I must admit the most wonderful legacy of our marriage is our four grandchildren, Kristin, Tanina, David and Etienne. As a matter of fact, Kristin is actually working. She got a new job a few months ago and she says, “No, no, I do not know if I can come,” and I said, “Look after earning some money first and then we worry about it. You can buy me dinner when I come home.”

I enjoy these kids so much. I was telling Senator Wallace last night, if I knew that before, I would have skipped the kids part all together.

Knowing them as well as I do, honourable senators, I know all four will help change the world for the better in their own unique way.

[Translation]

Honourable senators, my letter of resignation to the Governor General said, in part, “the special honour bestowed on those of us chosen to serve Canadians in the Senate of Canada is a rare, cherished privilege.”

This privilege was extended to me by a man who was instrumental in putting Canada on the road to prosperity and international respect. His environmental accomplishments; his recognition of international trade’s critical importance to Canada; his courage and vision in the introduction of the GST; his principled stand, sometimes alone, in the promotion and protection of fundamental human rights and values, particularly his fight against apartheid in South Africa and, on a more personal note, his genuine and clear apology, on behalf of the Government of Canada, to the Italian-Canadian community for

the internment of Canadians of Italian descent during World War II, against the advice of many, if not most of his advisors, are trademarks of the man. He is a man who has accomplished much, and yet, like the rest of us, he is a mere human, but one with that rare ability to do extraordinary things. Thank you, Brian Mulroney.

[English]

Honourable senators, allow me to reflect on a few of my Senate memories. When I first arrived, such a long time ago, I became a member and eventually vice-chair of the Committee on Aboriginal Affairs, as it was then called. It did not take long for me to understand and be shocked by the harm done to the First Nations by the conquering hordes. Our first citizens, who had built their lives for centuries in the lands we now call Canada, were subjected to horrendous treatment, inhumane treatment by God-fearing visitors from faraway lands. These visitors took their land, enslaved the locals, raped their wives and children and broke up families. They created residential schools to educate the savages, and most horrific, they tried to destroy the human spirit; they tried to take away their dignity. The scars will likely never heal, or at least will take a very long time.

I am proud that Canada has finally started the process of reconciliation and restitution. Much needs to be done yet, and I hope we have the political will to finish the job honourably and justly. I was honoured to have been a member of the committee during the creation of Nunavut, which is a model to improve on and adapt.

Honourable senators, one of our many privileges is to enhance important causes and promote issues that we believe are of benefit to Canadians and indeed humanity. From Scouts Canada to the Canadian Crime Victim Foundation, from Operation Springboard to Villa Charities, the causes I have supported and promoted are many. I hope my passion for the Arctic was visible when I initiated debate in this chamber a number of years ago on the expansion and protection of the Nahanni National Park Reserve. Much opposition existed, and the debate never reached a conclusion, but a number of years later I was very happy when Prime Minister Harper's government finally made this happen.

Some of you may remember my public campaign for electoral financing reform. As I said then, money dirties politics. Some colleagues on this side may also remember the strong discussions on this issue during one of our party's annual general meetings. I was truly delighted when Prime Minister Chrétien introduced major reforms to political financing and when Prime Minister Harper subsequently introduced additional reforms to further tighten potential abuses.

Also, if I had not been a member of the Senate, I would never have been able to effectively advance the Tibetan cause. I genuinely express my gratitude to Prime Minister Harper for his support for the Dalai Lama and Tibet's struggle.

One of my most memorable moments in this chamber is the defeat of the Pearson Airport bill which would have denied Canadians the right to due process. When Liberal Senator Sparrow rose with our side, his vote carried the day for us. We defeated the bill. That was a courageous thing to do. I had a

similar experience when on a vote I, too, stood alone from this side with the opposition, and it is a pretty lonely feeling, but one I suspect all of us will or should experience from time to time.

[Translation]

Honourable senators, Senator Meighen's excellent retirement speech, which I urge everyone to read, referred to the founding cornerstone of our country, "the partnership between English and French." Although I agree that this is a central tenet to build on, we must also acknowledge the legacy of our First Nations. When the Europeans first landed in the new world, they did not come to an empty, uninhabited place. They found peoples who, for centuries, had built cultures based on strong values that contributed to building the nation of Canada and that continue to shape and edify our country today.

As well, I must remind honourable senators that the beautiful face of Canada today and that of the future now strongly reflect the faces of the millions of Canadians, the women, men and children who came from every corner of the world, from every shade of color, from every creed, from every race, who have contributed to making Canada the envy of the world. They came with their values, their customs, their vision, their hopes and their fears to build a place for their families and build their future — Canada's future.

Yes, thanks to the legacy of the first peoples, joined by the French and the English and later by the more recent arrivals, including my family and those of many other senators, together we are building a unique culture, a Canadian culture which will include the best of us all. The world is envious, and if we continue to do this right, the world can watch and learn, because it only takes understanding, respect, commitment and patience.

[English]

This institution, the Senate of Canada, in my opinion is little changed from my comments in this chamber in March 1998. My view then, as now, is that unless seriously reformed, the Senate should be abolished. For our new colleagues, yes, the debate has been going on for 150 years.

During the last few years, I have become skeptical about achieving a fully reformed Senate and have come to accept that any changes will have to be piecemeal. Term limits are a good first step. Honourable senators, Sir John A. Said, "There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or postponing the legislation of the Lower House."

Sadly, by the time I arrived here it was too late. The Senate had abdicated that privilege and had become a version of the other place. As long as we are playing this role, I believe an elected Senate is the better option. What I would like to see one day is parliamentary reform that would create a governance structure more in line with the reality of the 21st century. I applaud Prime Minister Harper for his persistence on this subject.

• (16:50)

I would like to conclude by acknowledging the privilege of getting to know and working with some truly extraordinary Canadians on both sides of this chamber, men and women with great abilities and vision. You have taught me much, and I thank you all for your friendship.

I also wish to express my thanks to the Senate Administration. Gary O'Brien and his staff serve us very well. The Senate Page Program has introduced us to some wonderful young Canadians who I am sure are destined to be future leaders of our country. There are the men and women who have toiled in my office and kept me out of trouble and made me look good. A particular thanks to Jennifer McDonald, who is in the gallery, my assistant for the past eight years; she is competent, smart, scarily efficient, totally loyal and a great horn player with the Ottawa Symphony Orchestra.

Honourable senators, we take the bows, but more often than not, the credit belongs to those who support us in our work.

To colleagues opposite, I remind you that I have been there. Hang on. Keep the faith. It may be a little while, but your turn will come again.

I close with a message to my grandchildren. First, be inspired by Elie Wiesel's words, and I paraphrase: When you witness an injustice and you just stand by, you are also culpable. As well, remember that to have lived a successful life is when you leave this place a little better than you found it. Thank you very much.

Hon. Senators: Hear, hear.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I was tempted to ask Senator Di Nino if he would take a question, and that question would be: Would you change your mind?

I want to say that it is fitting for Senator Di Nino — and we have discussed this many times. Senator Di Nino has made it very clear that when he left this place, he did not want long tributes, as was the case with Senator Meighen, and certainly I share that view with Senator Di Nino.

While his family is here and on behalf of all senators, I want to say, Con, you have been an absolute treasure. You have contributed greatly to the Senate. I remember when you came here; you represented your community and many other communities extremely well, and you will be missed in the Senate. Thank you very much, Con, for all that you have done.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, as Senator LeBreton said, Senator Di Nino would not want tributes in the traditional sense, and I certainly respect his view on that. However, I did want to say, on behalf of those of us on this side of the house who are here now and those who have been in the house while you have been here, that you have been an excellent senator and a model for all of us as to how one can use this position to advance so many good causes.

I think it is a shame sometimes when we see colleagues who do not take full advantage of the opportunity of the platform, of the privileges that we have here as senators to work for good causes of our choice in this country. Sometimes when the Senate and individual senators are criticized, it is nice to be able to point to people like you who have really made a difference for causes that are true to your heart.

On that line, I want to again, as I did at the time, thank you for the work you did to make Pier 21 a reality. I know through my own efforts, before there was the change of government, that bureaucratic obstacles were put up against the political will to make Pier 21 the national museum it is now. You and I spoke about that, and you said, "Let me have a try," and you tried and you succeeded, where some of the rest of us had tried and did not succeed. I was pleased to support you when the legislation on Pier 21 came to the Senate.

I want honourable senators who were not here at the time to know how much Senator Di Nino's personal involvement meant, and now Pier 21 has emerged and is growing as a national institution and museum. I know that it was his personal intervention that made the difference. That is important.

Hon. Senators: Hear, hear.

Senator Cowan: It has been a pleasure for us to work with you here in the Senate. I know that as you leave, in addition to the occasional glass of red wine, there will be opportunities for us to meet and for you to continue to contribute to those causes that are dear to your heart. I know we will see you from time to time here, and we look forward to that. Good luck and best wishes.

Hon. Senators: Hear, hear.

(Debate concluded.)

KOREAN WAR

INQUIRY—DEBATE SUSPENDED

Hon. Yonah Martin rose pursuant to notice of June 14, 2012:

That she will call the attention of the Senate to:

- (a) the importance of the Korean War, the third bloodiest war in Canadian History but often called "The Forgotten War"; and
- (b) Canada's contribution to the three-year war on the Korean Peninsula, including the 26,791 Canadians who came to the aid of South Korea, 516 of whom gave the ultimate sacrifice, and the 7,000 Canadian peacekeepers who arrived following the signing of the Korea Armistice Agreement in Panmunjom 59 years ago this July 27.

She said: Honourable senators, Senator Di Nino, I am inspired by the words you spoke and the quotes you ended with. If you and your family will permit me, I would like to take this opportunity to make a statement on this inquiry. Timing is not great in that we have such an important occasion for our honourable colleague, but inspired by those words, I am even more convinced that we cannot make the mistakes of the past and forget a very important commemoration that has occurred and will be happening this summer.

If honourable senators will permit me, I will speak to this inquiry about the Korean War, which is often called "The Forgotten War."

[Translation]

Two days ago, June 25, was the 62nd anniversary of the beginning of the war, and July 27, 2012, will mark the 59th anniversary of the signing of the Korean Armistice Agreement.

[English]

Therefore, if not now, when? If not us, whom? Who better to put on record than senators of Canada that the Korean War is not and will not be forgotten, not on our watch?

I ask honourable senators to see the war through the eyes of a Korean War veteran by the name of Vince Courtenay. He said that in South Korea, they called the Korean War the 6-25 Incident. It was something so horrible that it is not logged in the annals as "another war." It has its own special reference.

When we remember our Canadian volunteers who served in that war, we should bear in mind what the Koreans know; it was beyond horror, beyond the definition of war. Those who went, many very young as well as a strong cadre of not so young veterans of World War II, sustained and ingested and carried that horror, that nightmare with them, for the rest of their days.

One would have to have been there to begin to understand, and even those who were do not understand. The horror of battle, yes, but horror all around: the people starving; the homeless children; the utter deprivation in a land with no paved roads, save inner roads in the big cities; the horrid remains of the enemy blasted to pieces, charred by the fire bombs; and the legions of innocent Koreans executed by the enemy and killed and maimed accidentally by fire from both enemy and allied units.

[Translation]

Indeed, horror is the best way to describe it. It was a horror that became all too familiar to our young Canadians and that marked them for life. It ruined countless lives, changed the course of their existence for all time, and replaced the happiness that they would have otherwise known with a loneliness and a sadness that many would never recover from.

• (1700)

[English]

The 6-25 Incident was theirs, as well as the victimized people of South Korea.

South Koreans understand this. That is why every year they invite nearly 1,000 veterans back to Korea and welcome them. As any who have been there will attest, the South Koreans treat them like royalty. They know the cost. They know the burdens they took away with them. They know that 516 Canadians made the ultimate sacrifice.

[Translation]

Honourable senators, some people in Canada might wonder who asked them to go to Korea. If they volunteered, should they not bear their burdens alone? Why should they deserve special

treatment or why should the country comfort them or even remember them in a special way? Of course, these people do not know about Canada's involvement in the June 25 incident.

[English]

South Korea was invaded on June 25, 1950, by armoured columns from North Korea which swept through the lightly armed Republic of Korea army with relative ease, despite the desperate defensive battles. Contrary to world assumptions, there were no American troops in Korea at that time. The post-World War II American occupation of South Korea had ended. Only a very small advisory cadre was still in the country, fewer than 500 officers and staff, and they were actually withdrawing when the attacks came.

The United Nations went into action in emergency session and ordered the aggressors to withdraw. They quickly asked member nations to contribute troops to a United Nations force that would drive the invaders of South Korea out by force.

Canada's Prime Minister, the Right Honourable Louis St. Laurent, went on national television and national radio, preempting all programming, to announce Canada was raising a special force brigade to fight in the United Nations force in Korea. Further, Canada immediately dispatched three destroyers of the Royal Canadian Navy to Korea and placed a squadron of transport planes into service with the U.S. Air Force to provide an airlift to Korea and Japan.

[Translation]

The day after the Prime Minister's urgent speech to the nation, all of the major newspapers published a full-page advertisement calling for Canadian volunteers to join the Special Force.

[English]

They came and they flooded the personnel depots. They signed on in St. John's, Newfoundland, and in every depot across Canada, all the way to Vancouver. On the island of Cape Breton, a platoon of young men left the mines and the fisheries and signed up. It was so all across Canada.

In the Province of Quebec, an entire battalion of the famed Royal 22nd Regiment was recruited within days, and hundreds of other French-speaking Canadians volunteered to serve in the English-speaking units based in other provinces.

In one week, more than 8,000 Canadians, 70 per cent of whom had never been in service before, enlisted in the 25th Canadian Infantry Brigade. They formed three battalions of infantry, an artillery regiment, an armoured squadron, a service corps transport company, a medical corps field hospital, engineering units — all of the necessary support units. It was virtually a small division, a very worthy force from a small nation with a population of only 13 million.

The war was not won in a matter of months. The Canadian Special Force was committed to battle piecemeal over several months. There was no great Canadian push to victory.

[Senator Martin]

The 2nd Battalion of the Princess Patricia's Canadian Light Infantry sailed for Korea in November 1950. It looked like the North Korean army had been defeated and the war was near its end. The remainder of the Canadian Special Force Brigade was held back at Fort Lewis, Washington.

[Translation]

But the Chinese forces joined the war in December 1950, in order to support the defeated North Korean army, which was scattering and gradually retreating. Initially, there was interest in the actions of the Canadian battalion when it arrived in Korea and started to fight. But that did not last long.

[English]

News reports out of Korea were not about places like Dieppe, Sicily, Ortona or Normandy, but were of battles in rugged, open country, with little villages of strange names referenced, which were meaningless to Canadian readers. Indeed, most Canadians did not even know where Korea was located.

The Canadians fought bitter battles, lived in deplorable conditions and moved by foot through freezing mountains. They fought in company-scale actions, not grandiose Canadian assaults or defences, for their fights were in mountains. They fought hand to hand sometimes, death always hovering. They served as part of a larger force made up of Australian, British and New Zealand troops, and it was a force that was part of an American division or corps.

[Translation]

Proportionally, Canada's participation seemed minimal and was difficult to assess. But the situation was dire, and it was thanks to Canada's achievements that the larger brigades and divisions were able to win the fight.

[English]

Even when the remainder of the Canadian Special Force Brigade landed in Korea in May 1951, there was little news interest in Canada. Yet Brigadier John Rockingham had arrived with two full infantry battalions, a full artillery regiment, an armoured squadron, a full field hospital, all support units and six great shiploads of men and equipment. It was a small armada from the great country of Canada, which had so few people, and they were volunteers to a man.

The commanding general of the United Nations force gave Rockingham orders on landing to commit immediately his infantry soldiers to battle. They arrived at the time when a great allied offensive was starting. The war was still horrible and would remain so for another two years and three months.

Every place the Canadians went and fought and bled looked the same: hills, no cities, no large villages, rugged country that taxed their muscles, and the horrors of shells, mortar bombs and machine gun bullets sickened their minds and hearts. They kept on. They did not flag even when reports from family and friends in Canada told them that few in Canada knew what they were suffering or achieving, or that they were even there.

Newspaper editors quit using stories or reports from the Korean front. They were lacklustre, repetitious and the names of villages where actions took place were meaningless in Canada. While always 7,000 or 8,000 in number and with always three Canadian destroyers patrolling and fighting against land artillery units or strategic targets on the Korean coast, and always with a Royal Canadian Air Force pilot in the sky in a high altitude fighter plane over North Korea, attached to the United States Air Force, the Canadian public knew little about them, or seemingly cared, and the Canadian government of the day seemed to care even less.

The Department of National Defence was worried about its budget. Though the war was being fought on the cheap with old weapons from World War II, old clothing, vehicles rented, borrowed or stolen from American forces in Korea, rations purchased at cut-rate prices from American stores, there was grave concern that so many replacements had to be constantly sent to Korea at a cost of some \$700 per soldier.

Indeed, in the last six months of the war, DND issued instructions that every replacement soldier had to be certified as vitally needed in order to conserve manpower and cost. In compliance with this disgraceful policy, Canadian units at the front served often at only 60 or 70 per cent of the regulation complement and some, at times, even less.

Disgracefully, DND authorized under-strength battalions to serve at the front, even though commanding officers had reported and cautioned that they did not have enough men to possibly do the job required of them. DND gambled that the enemy action was not intense and that a few men could hold positions that should have been held by twice their number, as though they believed the war had wound down.

DND did not understand what kind of war was waged in Korea and their senior officers in the field, though frustrated and in some cases outraged, did not destroy their own careers by rebelling and protesting publicly that their men were being exhausted and placed at greater risk by such absurd orders from the Canadian headquarters.

It is of note that the grave markers of Canadian soldiers buried in the United Nations Memorial Cemetery in Busan bear the dates that the soldiers fell, and record them from December 1950 through to the last soldier to fall before the armistice was signed.

• (1710)

Another 7,000 Canadian soldiers served in the defence of Korea for more than one year following the signing of the armistice agreement.

Those who had fought and suffered and sacrificed and came home to Canada bearing the 6-25 Incident deep within received no welcome when they arrived. They received train tickets to go to their homes. No one would care about the war that was so horrible that it is specially defined in Korea. No one would care about their service to Canada.

There was a tacit pact among soldiers and their officers and their commanders that none would comment publicly on the deplorable, outrageous deficiencies of support from those who

had sent them to Korea. When they met among themselves formally and said prayers for their fallen and for themselves, and the *Last Post* was played on bugles, tears rolled down onto their cheeks. They stood brave and still and quiet, keeping locked inside the hurt and the pity that they had been ill-served by their country, that their courageous, heroic deeds were lost to the Canadian people and that to their country, and to all the countries that sent troops and sailors and airmen to Korea, the Korean War was indeed "the forgotten war."

However, to them it was regarded as the Korean people regard it, so hard to explain, but to them it was also the 6-25 Incident and will be until the last one of them is gone, which will occur shortly.

Now in their eighties, these brave young men from Canada still feel the sorrow in their hearts that their nation asked them to serve in a most horrible war, yet treated them as orphans when they returned, as orphans like the pitiful children of the streets of the cities of Korea, as it had been in those years.

Can I have five more minutes?

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

[Translation]

The ties that exist between many Canadians who served in Korea and the memory of those they defended, even saved from the horrors and the harshness of the regime in North Korea, which still exists six decades later, are stronger than the ties between these same veterans and Canadians of the same age.

[English]

No sailor, soldier, airman of Canada should have to stand in respect of his fallen comrades and of the bravery and deeds and achievements of his comrades and at the same time feel shame for the government that had asked them to go to battle under the flag of their nation. Such a sad, sorrowful pity cannot be undone. Every Korean War veteran was witness to it. Most have not publicly expressed this but have kept it hidden in the secret places of their hearts.

I rise today in memory of the fallen and to honour the Korean War veterans who served so valiantly and courageously in defence of a people they did not even know. I ask all honourable senators to remember them each and every year. July 27 is the signing of the armistice. There is a ceremony at Brampton, Ontario, every year. As well, in the fall, the Honourable Senator Day and I look forward to co-sponsoring a bill that will honour the veterans and enact a day for them so that they will never be forgotten in Canada.

[Translation]

We will remember them.

[English]

May we forever remember them.

[Senator Martin]

Hon. Roméo Antonius Dallaire: Senator Martin is aware, of course, that the Korean campaign was the first UN mission under the UN flag that we were engaged in and the first Chapter VII mission, and that those who served there are considered also peacekeepers. Would she agree with that?

Senator Martin: Yes, absolutely. As I mentioned, 7,000 Canadians were peacekeepers after the signing of the armistice, although some of them did also face major conflict as well as death. Thank you, senator, for that added note.

Senator Dallaire: I would like to take the adjournment of this inquiry.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I believe that other senators on our side wish to speak to this inquiry.

[English]

The Hon. the Speaker: Honourable senators, other senators wish to participate in the debate on this inquiry now. If the honourable senator agrees, we will come back to his adjournment motion.

(Debate suspended.)

BUSINESS OF THE SENATE

The Hon. the Speaker: I advise the house that we must interrupt our sitting. The bells will ring for 15 minutes for the deferred vote at 5:30. After we deal with that vote, we will come back to this item.

Call in the senators.

• (1730)

IMMIGRATION AND REFUGEE PROTECTION ACT BALANCED REFUGEE REFORM ACT MARINE TRANSPORTATION SECURITY ACT DEPARTMENT OF CITIZENSHIP AND IMMIGRATION ACT

BILL TO AMEND—THIRD READING

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Martin, seconded by the Honourable Senator Unger:

That Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Maritime Transportation Security Act and the Department of Citizenship and Immigration Act, be read the third time.

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Marshall |
| Angus | Martin |
| Ataullahjan | Meredith |
| Boisvenu | Mockler |
| Braley | Nancy Ruth |
| Brown | Nolin |
| Buth | Ogilvie |
| Carignan | Oliver |
| Comeau | Patterson |
| Dagenais | Plett |
| Di Nino | Poirier |
| Doyle | Raine |
| Duffy | Rivard |
| Eaton | Runciman |
| Finley | Seidman |
| Fortin-Duplessis | Seth |
| Frum | Smith (<i>Saurel</i>) |
| Gerstein | St. Germain |
| Greene | Stewart Olsen |
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| Campbell | Mahovlich |
| Chaput | Massicotte |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |
| De Bané | Munson |
| Downe | Peterson |
| Dyck | Ringuette |
| Eggleton | Rivest |
| Fairbairn | Robichaud |
| Fraser | Smith (<i>Cobourg</i>) |
| Furey | Tardif |
| Hervieux-Payette | Watt |
| Hubley | Zimmer—33 |
| Jaffer | |

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

KOREAN WAR

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Martin calling the attention of the Senate to:

- (a) the importance of the Korean War, the third bloodiest war in Canadian History but often called "The Forgotten War"; and
- (b) Canada's contribution to the three-year war on the Korean Peninsula, including the 26,791 Canadians who came to the aid of South Korea, 516 of whom gave the ultimate sacrifice, and the 7,000 Canadian peacekeepers who arrived following the signing of the Korea Armistice Agreement in Panmunjom 59 years ago this July 27.

The Hon. the Speaker: Honourable senators, I think we have now the motion of the honourable Senator Dallaire.

Hon. Donald H. Oliver: Honourable senators, I would like to take the adjournment, if I could, so that I could speak after Senator Martin, if that were agreeable with Honourable Senator Dallaire.

Hon. Roméo Antonius Dallaire: I would like to take the adjournment, but I am quite happy to have Senator Oliver speak in lieu of my speaking.

Senator Oliver: At the next opportunity? Thank you very much for that accommodation.

The Hon. the Speaker: Honourable senators, my understanding is that Senator Oliver will speak not this evening but at another time, so I think it is appropriate that the adjournment goes to the other side. That does not obviate Senator Oliver's participating in the debate at the next sitting.

To conclude the matter, it is moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Dawson, that further debate on this item be continued at the next sitting of the Senate.

(On motion of Senator Dallaire, debate adjourned.)

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

Hon. Mobina S. B. Jaffer, pursuant to notice of June 18, 2012, moved:

That notwithstanding the Order of the Senate adopted on June 22, 2011, the date for the final report of the Standing Senate Committee on Human Rights on issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations be extended from June 30, 2012 to June 28, 2013.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF ISSUES
OF DISCRIMINATION IN HIRING AND PROMOTION
PRACTICES OF FEDERAL PUBLIC SERVICE
AND LABOUR MARKET OUTCOMES
FOR MINORITY GROUPS IN PRIVATE SECTOR

Hon. Mobina S. B. Jaffer, pursuant to notice of June 21, 2012, moved:

That notwithstanding the Order of the Senate adopted on October 26, 2011, the date for the final report of the Standing Senate Committee on Human Rights on issues of discrimination in the hiring and promotion practices of the Federal Public Service, to study the extent to which targets to achieve employment equity are being met, and to examine labour market outcomes for minority groups in the private sector be extended from June 30, 2012 to June 28, 2013.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON MONITORING
THE IMPLEMENTATION OF RECOMMENDATIONS
CONTAINED IN A REPORT ON THE STUDY
OF INTERNATIONAL OBLIGATIONS REGARDING
CHILDREN'S RIGHTS AND FREEDOMS

Hon. Mobina S. B. Jaffer, pursuant to notice of June 21, 2012, moved:

That notwithstanding the Order of the Senate adopted on November 2, 2011, the date for the final report of the Standing Senate Committee on Human Rights on the monitoring of the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children* be extended from June 30, 2012 to June 28, 2013.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF ISSUE
OF CYBERBULLYING

Hon. Mobina S. B. Jaffer, pursuant to notice of June 21, 2012, moved:

That notwithstanding the Order of the Senate adopted on November 30, 2011, the date for the final report of the Standing Senate Committee on Human Rights on cyberbullying in Canada be extended from October 31, 2012 to December 14, 2012.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Thursday, June 28, 2012, at 1:30 p.m.)

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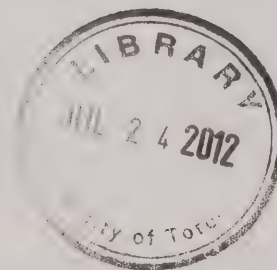
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NUMBER 99

OFFICIAL REPORT
(HANSARD)



Thursday, June 28, 2012

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Thursday, June 28, 2012

The Senate met at 1:30 p.m., the Speaker in the chair.

[English]

Prayers.

[Translation]

SENATORS' STATEMENTS

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 28th, 2012

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 28th day of June, 2012, at 2:00 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

THE SENATE

MOTION TO PHOTOGRAPH ROYAL ASSENT CEREMONY ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move:

That photographers be authorized in the Senate Chamber to photograph the Royal Assent Ceremony today, with the least possible disruption of the proceedings.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

TRIBUTES

THE HONOURABLE VIVIENNE POY

Hon. Marie-P. Charette-Poulin: Honourable senators, I rise today to pay tribute to our colleague Senator Vivienne Poy, who is retiring from this chamber.

Senator Poy is a well-respected entrepreneur, an author and historian. She is Chancellor Emerita of the University of Toronto; she has received a multitude of well-deserved awards and honorary degrees; and she is honorary patron for more than 20 associations and projects.

However, today I would like to focus on her contributions as a parliamentarian. Senator Poy came to this place in 1998, the first Canadian of Asian descent to be appointed to the Senate of Canada. She brought her many talents with her, and everything she has accomplished during her time in this chamber has been done with grace and energy.

Senator Poy has always shown pride in her cultural heritage, and she wanted to find a way for all Canadians to have the opportunity to celebrate the important contributions Asian Canadians have made, and continue to make, to our country. In 2001, she successfully introduced a motion in the Senate to establish May as Asian Heritage Month, and in 2002, it received official designation by the Government of Canada.

In her efforts to strengthen ties between Canada and Asia, Senator Poy has hosted an annual parliamentary networking breakfast. This is done in partnership with the Hong Kong-Canada Business Association and the Hong Kong Economic and Trade Office and is meant to foster Canada-Hong Kong and Asia-Pacific trade relationships.

I would also like to highlight a moment in Senator Poy's personal life that speaks to her strength of character and her courage. In 2008, she donated a kidney to her son, Justin, in what at that time I referred to as a tangible gesture of motherly love. I believed then, as I do now, that Senator Poy is an inspiration for all of us and a reminder that many lives might be saved and suffering alleviated if we would sign organ donor cards.

I wish Vivienne and her husband, Dr. Neville Poy, great happiness and wonderful adventures as they embark on yet another stage in their lives. Bonne chance et bon voyage!

Hon. Senators: Hear, hear!

FIVE WITH D.R.I.V.E.

Hon. Consiglio Di Nino: Honourable senators, I am always truly inspired by the number of Canadian heroes that Canada is blessed with. Last Saturday, June 23, I joined five amazing young men who, for 63 days, walked from Vancouver to Toronto to advocate on behalf of victims of crime. That is more than 4,700 kilometres. I was honoured to walk 18 kilometres — I repeat, not 1,800, 18 kilometres — with them, the last leg of their Freedom Walk, which ended at Queen's Park in Toronto. Last year, they walked from Newfoundland to Newmarket, Ontario, for another cause, thus completing the incomparable feat of walking our country from coast to coast.

The organization 5WD, or Five with D.R.I.V.E., created by brothers Dan and Andrew Rossi, who were two of the walkers, inspired by their mother Anna and father Joe, is dedicated to serving those less fortunate, both within and outside Canada. I direct you to their website, www.5wd.ca.

Here is part of their mission statement:

At the very core of the Five with D.R.I.V.E. Foundation (5WD) overseas and national programming is the belief that for a community to experience true development the community itself must drive the process.

5WD works with, and often through, local partners, including local churches and community groups. We ensure that these local groups are full participants in the design and implementation of the programs, because the end goal of all the programming is that these organizations take full ownership, growing to the point where 5WD is no longer necessary.

Besides the walks, they operate a food bank in York Region and a mobile outreach program for those in need. In Kenya, they are building schools, water systems, sanitary latrines and kitchen facilities, as well as a micro-finance system.

Honourable senators, Dan and Andrew were joined in the walk by Travis Juska, Rob Skelly and Mark MacDonnell, and the driver of the support van, Steve Giter. Dan and Travis are Calgary policemen; Andrew is a businessman in Markham; Mark is an RCMP officer; and Rob is a soldier in the Canadian Forces.

Honourable senators, to all of them, we say: You represent the best of Canada and you make us all proud. To you, your support team and all who joined along the way to walk with and encourage you, we salute you, praise you and thank you for caring.

TRUTH AND RECONCILIATION COMMISSION NATIONAL EVENT

Hon. Lillian Eva Dyck: Honourable senators, last week I attended the Truth and Reconciliation Commission National Event that took place in Saskatoon from June 21 to 24, where thousands of people gathered to be part of this historic event. The

goal of this event was to commemorate the Indian residential survivors, as well as honouring the survivors who are no longer with us, including the thousands of children who went missing or died while at the residential schools.

• (1340)

The TRC was established in 2008 to tell Canadians about the history of Indian residential schools and the impacts they had on Aboriginal children. One of the TRC's goals is to establish a process of reconciliation between Aboriginal families, communities, churches and the government.

Indian residential schools go back to the 1870s. There were over 130 residential schools across Canada where more than 150,000 First Nations, Metis and Inuit children were taken from their families and placed in these schools. It is estimated that more than 80,000 who attended such schools are alive today.

Honourable senators, my mother, Eva McNab, was born on the Gordon Indian reserve. The last residential school in Canada closed in 1996, just 16 years ago. That school was located on her reserve, and it was one of the most notorious because of the large number of students who were sexually abused there.

At the TRC meetings in Saskatoon, some survivors described incidents of physical and sexual abuse inflicted on them when they were children attending an Indian residential school. In reality, they were beaten and raped. Survivors also talked about the intergenerational transmission of the trauma, the resultant alcohol abuse, the drug abuse, and the acts of violence and sexual abuse perpetrated by survivors and their families.

I congratulate all those involved in holding the TRC event in Saskatoon. It was well attended by Aboriginals and non-Natives alike. Events such as these bring us all closer together and help heal the wounds inflicted on Aboriginal peoples, all of this done ostensibly in the name of civilizing and Christianizing them.

After the commission completes its hearings, a national research centre will be set up so that researchers can analyze the stories of the survivors. While this is a worthy initiative, such research must respect traditional Aboriginal protocols and must not benefit just non-Native researchers. Survivors, their family members and Aboriginal researchers must be included as equal partners in the work of the national research centre.

By learning the true story of what happened at Indian residential schools, it is hoped that Canadians will not repeat the same tragic mistakes and will respect the cultures of all the peoples of Canada and treat them with dignity rather than with disdain, disgust or indifference.

Honourable senators, still today, Aboriginal children are treated unfairly by federal education policies. The amount of federal dollars to educate a First Nation child in a reserve school is less than that of any other Canadian child. Senators opposite, I have a challenge for you: Reconcile that.

BATTLE OF BEAUMONT-HAMEL

Hon. Elizabeth (Beth) Marshall: Honourable senators, this Sunday, on July 1, Canadians will celebrate Canada Day. For the people of Newfoundland and Labrador, this day has an additional, more somber meaning. In Newfoundland and Labrador, July 1 is also known as Memorial Day, a day which marks the anniversary of the fighting at Beaumont-Hamel during World War I.

Senators will recall that during World War I, Newfoundland was still a dominion of the British Empire and not yet part of Canada, which it would not join until 1949. However, once Britain was forced to declare war on Germany in 1914, Newfoundland, like Canada, was automatically at war. The citizens of my province responded with tremendous patriotism. Of a total population of 240,000 people, over 12,000 Newfoundlanders and Labradorians enlisted in the war effort.

Newfoundland's first recruits, the 1st Newfoundland Regiment, made their way overseas in October 1914 and became a unit of the British Army. Referred to as the "Blue Puttees" due to the colour of their uniform leggings, the 1st Regiment saw action in the Gallipoli campaign in Turkey in the latter part of 1915. They were subsequently sent to the Western Front in France in the spring of 1916.

July 1, 1916, was the first day of the Battle of the Somme, which represented the "big push" by the Allies to break the trench warfare stalemate of the initial part of World War I. On the morning of July 1, 1916, thousands of British and French troops commenced their advance across "No Man's Land," which was defended by barbed wire, lookouts and a complex series of trenches. This day would result in a slaughter for the Allied Forces. More than 50,000 British and Commonwealth soldiers would be killed, wounded or missing, representing the heaviest combat losses ever suffered by the British Army in a single day.

For Newfoundland's 1st Regiment, which was making its advance near the village of Beaumont-Hamel in Northern France, the results were particularly devastating. Only 68 of the 801 Newfoundlanders who went into battle on that July 1 morning were able to answer the roll call next day. All told, 255 of Newfoundland's best lost their lives on that day, 386 were wounded and 91 were missing.

The survivors of the Battle of Beaumont-Hamel would go on to help rebuild the 1st Regiment. The regiment would see additional action during the remainder of World War I. Eventually, it would become the only unit of the British Army to earn the official designation "Royal" from the British Crown in recognition of the regiment's gallant action in the Battles of Cambrai and Ypres.

As an aside, Tommy Ricketts, who is one of Newfoundland and Labrador's most famous veterans and a recipient of the Victoria Cross, was wounded in the Battle of Cambrai.

These accomplishments aside, it is the incredible sacrifices of the men of the 1st Newfoundland Regiment at Beaumont-Hamel which to this day so strongly resonates in Newfoundland and Labrador. On July 1 of every year, the people of my province pause in tribute to these valiant soldiers who gave the ultimate sacrifice to preserve our peace and freedom.

MR. JEAN BÉLIVEAU, C.C., G.O.Q.

CONGRATULATIONS ON ORDER OF HOCKEY AWARD

Hon. Francis William Mahovlich: Honourable senators, earlier this week, Jean Béliveau was honoured with the Order of Hockey in Canada at a gala in Toronto. While he was unable to attend the event due to health issues, I was fortunate enough to be asked to accept the award on his behalf. I would like to share with you part of the speech I gave as part of this great honour.

Jean received his first pair of skates from his father at the age of 5.

[Translation]

From that time on, his passion was hockey.

[English]

He played in the Quebec Major Junior Hockey League with the Victoriaville Tigres and the Quebec Citadelles, and in the Quebec Senior Hockey League with the Quebec Aces. After playing with the Quebec Aces for three years, including a few games with the Montreal Canadiens, Jean officially joined the Montreal team roster in 1953 and, as they say, the rest is history.

Jean's many accomplishments while a member of the Canadiens are well known and, of course, well deserved. He won the Art Ross Memorial Trophy for leading the league in scoring for the regular season in 1956. He was the first player to win the Conn Smythe Trophy in 1965 for the most valuable player in the playoffs, and he was a two-time winner of the Hart Memorial Trophy for the most valuable player in the NHL. He was also named to 10 NHL all-star teams and helped to win the Stanley Cup 10 times with the Canadiens. He played 18 full seasons with the Montreal Canadiens, the last 10 of which he served as captain.

Not only was he a tremendous player on the ice, Jean was a great gentleman off the ice as well. He has been acknowledged by many as a true role model for kids and in 1971 helped to create the Jean Béliveau Foundation to help underprivileged children. He has been honoured countless times for his true sportsmanship, including honorary degrees from the University of Moncton and McGill University, being made a Companion of the Order of Canada and having a star on Canada's Walk of Fame. I could go on, but we would be here all day.

Needless to say, honourable senators, I can think of no one more deserving of this award than Jean Béliveau. He is truly one of the heroes of this game and will continue to be an inspiration to all players and fans, both young and old.

Honourable senators, I am sure you will all join me in sending him our heartfelt congratulations and our gratitude for giving us all so many years of joy when we watched him play hockey.

Hon. Senators: Hear, hear!

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, is it agreed that we suspend to await the arrival of the Governor General?

Hon. Senators: Agreed.

(The Senate adjourned during pleasure.)

• (1400)

[Translation]

ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons) (*Bill C-26, Chapter 9, 2012*)

An Act respecting the National Flag of Canada (*Bill C-288, Chapter 12, 2012*)

An Act respecting a day to increase public awareness about epilepsy (*Bill C-278, Chapter 13, 2012*)

An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use) (*Bill C-311, Chapter 14, 2012*)

An Act to amend the Criminal Code (trafficking in persons) (*Bill C-310, Chapter 15, 2012*)

An Act relating to pooled registered pension plans and making related amendments to other Acts (*Bill C-25, Chapter 16, 2012*)

An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act (*Bill C-31, Chapter 17, 2012*)

The Honourable Andrew Scheer, Speaker of the House of Commons, then addressed His Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bills:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013 (*Bill C-40, Chapter 10, 2012*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2013 (*Bill C-41, Chapter 11, 2012*)

To which bills I humbly request Your Excellency's assent.

His Excellency the Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

(The sitting of the Senate was resumed.)

• (1410)

ROUTINE PROCEEDINGS

STUDY ON ACCESSIBILITY OF POST-SECONDARY EDUCATION

SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE
AND TECHNOLOGY COMMITTEE—
GOVERNMENT RESPONSE TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the sixth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Opening the Door: Reducing Barriers to Post-Secondary Education in Canada*.

[English]

JUSTICE AND ATTORNEY GENERAL

JUSTICE—2011-12 ANNUAL REPORTS TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual reports on section 72 of the Privacy Act and section 72 of the Access to Information Act from the Department of Justice.

[Translation]

Thursday, June 28, 2012

**PUBLIC PROSECUTION SERVICE—
2011-12 ANNUAL REPORTS TABLED**

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual reports of the Public Prosecution Service of Canada, pursuant to section 72 of the Privacy Act and section 72 of the Access to Information Act.

[English]

CANADIAN HUMAN RIGHTS COMMISSION

2011-12 ANNUAL REPORT TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report on the Privacy Act from the Canadian Human Rights Commission.

CANADIAN HUMAN RIGHTS TRIBUNAL

2011-12 ANNUAL REPORTS TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual reports on section 72 of the Privacy Act and section 72 of the Access to Information Act from the Canadian Human Rights Tribunal.

[Translation]

**STUDY ON ISSUE OF SEXUAL
EXPLOITATION OF CHILDREN**

**THIRD REPORT OF HUMAN RIGHTS COMMITTEE—
GOVERNMENT RESPONSE TABLED**

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the third report of the Standing Senate Committee on Human Rights, entitled: *The Sexual Exploitation of Children in Canada: the Need for National Action*.

[English]

**CANADA—JORDAN ECONOMIC GROWTH
AND PROSPERITY BILL**

**SIXTH REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE PRESENTED**

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill C-23, An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan, has, in obedience to the order of reference of Wednesday, June 27 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

RAYNELL ANDREYCHUK
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Nolin, bill placed on the Orders of the Day for third reading at the next sitting of the Senate, on division.)

• (1420)

[Translation]

QUESTION PERIOD

PARKS CANADA

**RIEL HOUSE NATIONAL HISTORIC SITE—
REDUCTION OF SERVICES**

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate.

On June 12, 2012, I asked a question regarding Riel House in Winnipeg, the Metis historic site closely connected to the story of Louis Riel, and the elimination of personalized interpretation services by Parks Canada. The Leader of the Government replied at the time that Riel House National Historic Site was not closing, but rather was moving to interpretation using new-age technology.

For a minority community — whether Metis or francophone — losing services in French has a much greater impact than it would on the majority. Losing this service provided by welcoming interpreters who can speak both official languages is a very serious matter for these minority groups. The historical character of this house amplifies the negative impact of this decision, given that Louis Riel was born in that log cabin on October 22, 1844.

This site was also where, at the age of five, Louis Riel was initiated into politics through his father's actions. It was also where the National Métis Committee was founded in 1868. Louis Riel was the interim leader of Manitoba for months, with the

express consent of the Deputy Prime Minister of Canada. Thanks to Louis Riel's efforts, the federal government finally declared Manitoba a province in March 1870, with the separate schools principle and the allotment of lands for the Metis. The Manitoba Act officially came into force on July 15, 1870. For us, Louis Riel is the founder of our province, Manitoba.

My question is the following: is it too much to ask that Parks Canada continue to provide financial support to the only national historic site in Winnipeg where students provide on-site, personal interpretation services during the summer in both of our official languages?

Is it too much to ask that Parks Canada recognize that this Metis historic site is unique in the history of the Metis and Manitoba?

Is it too much to ask that Parks Canada reconsider its decision, that it not treat this site like other sites, and that it recognize the unique role the site plays in our history?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Of course, as I indicated and as the honourable senator knows, the Riel House is very much a part of our historic landscape, very much a part of Parks Canada's plans, and of course Riel House will remain open.

With regard to the actual tours of Riel House, self-guided tours will be implemented. Self-guided tours and visits have been part of the experience at national historic sites and monuments throughout the nation and have been in use for quite some time. They have been used as stand-alone activities and oftentimes in combination with personal interpretation.

Self-guided tours, Parks Canada and others have found, often are a better way of having a site properly explained to visitors. People are not rushed through a site by a guide. Rather, they can look at a display, listen to the recording in their own language about what a particular display or artifact means and move on at their own pace. This has worked well, not only in Canada but all around the world. Honourable senators, I believe that visitors will find the historic significance and the artifacts and the points of interest in Riel House will be very much on display through the self-guided visits.

[Translation]

Senator Chaput: Honourable senators, aside from the number of visitors per year, did Parks Canada use other criteria to make this decision? Could the leader look into getting the list of criteria used by Parks Canada to make the decision to remove the personal interpretation service at Riel House?

[English]

Senator LeBreton: I am certainly happy to get more information for the honourable senator. I think all of us — I know I have — have taken tours of many of our museums and sites and have taken advantage of the self-guided tours. I find them actually more informative because I can go at my own pace.

[Senator Chaput]

With regard to Riel House, Parks Canada is committed and has been working closely with local groups such as the Manitoba Metis Federation. As they discuss the future possibilities for Riel House, the views of all stakeholders, including the Manitoba Metis Federation, will absolutely be taken into account going forward.

[Translation]

Senator Chaput: Since the leader is saying that the interested parties are working with the Manitoba Metis Federation, could she ensure that during this collaboration, the parties do not forget that services at Riel House must be provided in both of Canada's official languages? Could the leader intervene?

[English]

Senator LeBreton: Honourable senators, all national historic sites fall under Parks Canada and must adhere to the law of the land. The Official Languages Act is who we are and what we are all about. I am absolutely certain that all of the interpretation at all of our national historic sites, monuments and parks is presented to visitors in both of Canada's official languages.

[Translation]

Senator Chaput: I simply want to ensure that no one forgets during this whole process that what is special about Riel House is that Louis Riel was a francophone Metis, that he spoke French, that this is part of our history and that francophone Metis people contributed a great deal to the history of Manitoba. I just want to ensure that this is not forgotten when the stakeholders meet to reorganize the services provided at Riel House.

[English]

Senator LeBreton: Honourable senators, to me, that is a given. All of us who study Canadian history know of the importance of Louis Riel, and we all know that Louis Riel was a francophone. Parks Canada, a very well run organization, has a long history of service in both official languages. I cannot imagine a situation where visitors to Louis Riel House would not be provided services in the language of Louis Riel.

• (1430)

Senator Chaput: Honourable senators, hearing the leader say that it is a given makes me happy. However, I can assure her that it is never a given to us. We are a minority in a majority situation. We need to remember where we come from. We need to remember that there are two official languages and that both have equal rights.

Senator LeBreton: Senator Chaput will not get any argument from me on that, honourable senators. I have spoken in this place many times about linguistic duality, the importance of the Official Languages Act and the work that all levels of government do to ensure that our linguistic duality is not only recognized but practised and that all provisions of the Official Languages Act are strictly adhered to.

ORDER PAPER QUESTION

STATUS OF RESPONSE TO QUESTION NO. 8

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. When can I expect an answer to Question No. 8 that I placed on the Order Paper on June 7, 2011?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Senator Callbeck asked that question the other day with regard to Question Nos. 8 and 9 on the Order Paper. That very day we had tabled the answer to Question No. 9.

As a result of the senator's inquiry of my colleague Senator Carignan the other day, I asked my office to ascertain when we may expect an answer to Question No. 8.

NATIONAL DEFENCE

IMPACT OF BUDGET CUTBACKS

Hon. Roméo Antonius Dallaire: Honourable senators, I am experiencing déjà vu as I look at the impact of budgetary changes on the Department of National Defence and the Canadian Forces.

In 1987, under the Mulroney government, Perrin Beatty produced a white paper proposing bridging the capability commitment gap. At that time, the capital program for the army was \$18.3 billion over 15 years. However, within two years of announcing that white paper, it was defunct because Mr. Wilson got involved. As an example, the capital budget for the army was cut to \$6.8 billion, essentially gutting the white paper.

Combining last year's strategic review and this year's budget amounts to approximately an 11 per cent cut at National Defence. However, it is more than that because, due to the wage freeze, National Defence has to absorb all the contractual wage increases for civilians and military promotions. That will move it easily to 13 per cent, if not 14 per cent.

In operations, if we take 10 per cent casualties, we pull back, regroup and redevelop the plan. With a 14 per cent cut at National Defence, can Canada First actually be used as a reference any more, or might the government pull back, rethink that concept and move forward with something new?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I was around 25 years ago when Perrin Beatty put forward his white paper. Twenty-five years is a long time and a lot of things have happened since then.

The senator asked me this same question a week or so ago, so my answer will have to be the same. We have made unprecedented investments in the Canadian Forces. Since we took office, the defence budget has grown by an average of \$1 billion a year.

Over the past two years, National Defence has examined ways to implement cost-saving measures to ensure efficiency and effectiveness. Combined with the end of the combat mission

in Afghanistan, National Defence is now able to return to a more normal pace of operations. Over the coming weeks and months, departments will be informing unions and employees about specific changes that will be made in line with the budgetary savings, in which all departments are participating. Decisions specifically with regard to National Defence will be communicated to the employees and the union members of National Defence accordingly.

Senator Dallaire: Honourable senators, I always like to hear about creating efficiencies. One of the phrases to describe what is going on right now in National Defence is "doing less with less, but not sure what to do." That is because with these cuts they will protect the capital program and the personnel program, but they will absorb the cuts in the O&M, that is, operations, training, maintenance of equipment, and the like.

Talking about efficiencies, we are keeping 68,000 regulars and 27,000 reservists. However, the institution that educates the officer corps and instills the ethos of the officer corps, which is the Royal Military College, from which our flag originated, has been ordered to cut its academic staff by one third at a time when there has been an increasing recognition of higher levels of education, competency and intellectual rigour in the officer corps. How does that fit with efficiencies?

Senator LeBreton: Every department of government, including National Defence, was asked to find savings and efficiencies of between 5 and 10 per cent. The Deputy Minister of National Defence and the Chief of the Defence Staff are charged with running the Department of National Defence. They are the ones who came to the table with possible savings and efficiencies. Obviously, they would not be making recommendations for savings if they believed that the core mandate and the important work of National Defence would be harmed in any way or that they would be unable to carry forward with their mandate.

Senator Dallaire talks about the Royal Military College in Kingston. I must remind honourable senators that it was his government that shut down the college in Saint-Jean.

Having said that, I think we should trust the Chief of the Defence Staff and the military personnel responsible for our men and women in the army, navy and air force, and we should trust the Deputy Minister of National Defence, for they are the ones charged with laying out their plans for the government. Obviously, they would not lay out plans that would not allow them to carry out the very important mandate of the Department of National Defence.

• (1440)

Senator Dallaire: Honourable senators, I am glad that we spoke about history because, in fact, the closing of CMR goes back nearly 20 years. In the leader's own words, "we have evolved since then."

RMC is going down the same road that we did at that time, but at that time we cut one third of the forces so there was a link there. However, now we are keeping the forces at the same level. We are in a far more demanding and complex scenario than in

those days and we need even more of an education capability. Yet, we are cutting right into the core of that capability of the future of the officer corps.

The leader is saying that the government was mandated to find savings and efficiencies. I think those are the nice words that we call "Ottawaese," because they were ordered to cut. They had to meet cuts, so they cut things. I have no problem cutting, as an example, \$500 million on contractor services; that is an interesting cut. Why cut one third of the capability of a fundamental institution of the future of the officer corps and its ability to advise civilian staff and to command those troops for a savings of \$4.5 million?

Can the leader not acknowledge that this might be an area that should be revisited by the forces in regard to cutting its future to save a few dollars today?

Senator LeBreton: Honourable senators, I am very certain that they will be interested to have the honourable senator's suggestion. As he pointed out at the beginning, the honourable senator asked me similar questions a week or so ago and I responded much as I did today. If my memory serves me correctly, I also indicated to the honourable senator that I would refer his question to the Department of National Defence for a written response. I would suggest that perhaps we wait until we get that response to see what the departmental officials come up with as to where they will find these savings. I am absolutely certain that they will find them without compromising the important mandate of the Department of National Defence.

Senator Dallaire: My questions are different, honourable senators. They are in the same subject area, but they are more specific. I hope the minister will take note with respect to the responses. Maybe I am being a bit impatient with the responses, because they take a long time to come and things are moving quickly. People are being fired and we are still trying to figure out what is actually happening.

What I did not ask previously and what I am asking today is this: With this significant shifting of the funding of the forces of National Defence, which is sort of a mini-demobilization exercise going on — "transformation" is an interesting term, but it is actually demobilization — is the government reassessing the policy framework by which it will now operate this reduced capability of the forces into the future?

Senator LeBreton: I will certainly be happy to pass that on, honourable senators, but, again, the mandate of the Department of National Defence has changed; we are no longer in combat in Afghanistan. They have an opportunity now to properly assess their mandate going forward.

I will be happy to add that extra little bit of information that the honourable senator requires to the answer that I am seeking from the Department of National Defence on his behalf.

Senator Dallaire: It is not a little question; it is a significant question. I hope the leader takes it under that advisement.

As an example, with the capital program and the personnel program being protected, and with operations and maintenance being cut, it is true that we have pulled back from

Afghanistan. However, the significant use of equipment at a high or higher rate than ever anticipated over the normal lifespan of that equipment is calling for a significant increase in O&M; that is to say, repair, spare parts and being able to rebuild much of that equipment. Yet, that is exactly the place where National Defence said it will absorb most of the cuts. That is why I believe that there is a requirement to understand the logic of maybe putting them in a situation that is not particularly tenable, should something happen on the horizon. That is why I request that specific information.

Senator LeBreton: Honourable senators, I was not intending to demean the question; it was an additional question. Of course, all questions and all matters with regard to the Department of National Defence are significant. They are significantly important to our country. They significantly represented Canada in Afghanistan. There is not a Canadian, I believe, who would for one moment not say very clearly that they believe that the Department of National Defence and our soldiers, sailors and airmen and women make a significant contribution to Canada.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the response to an oral question raised by Senator Dyck on May 10, 2012, concerning the Poundmaker First Nation.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

POUNDMAKER FIRST NATION

(Response to question raised by Hon. Lillian Eva Dyck on May 10, 2012)

1. The charges the Honourable Senator references in her question stem from theft and fraud involving the First Nation's Treaty Land Entitlement trust fund. The administration of these funds is guided by the agreement ratified by the First Nation's members when they vote to accept the settlement package. Once compensation funds are provided to the First Nation, Aboriginal Affairs and Northern Development Canada does not play a role, nor has it any authority, in monitoring and ensuring that the management and expenditure of funds are being made in compliance with the agreement. To this end, an independent group of trustees is named to manage the money, with the Chief and Council making decisions on how it will be spent.

As a matter of business, the Department will ask that bottom-line financial information on own-source revenue be included in the First Nation's consolidated audit, which is provided to the Department annually. The First Nation also shares this information with its membership to provide a complete financial picture. Detailed financial information from trusts and band-owned businesses is not required to be submitted.

Allegations that the Chief and Council are engaging in criminal activities related to these funds must be addressed to relevant law enforcement bodies, which have the authority and tools to conduct thorough investigations, as was the case in the Poundmaker First Nation. The outcome in this case, that is the laying of charges and the guilty pleas by individuals involved, indicates that the mechanisms in place are indeed effective.

2. As the Poundmaker First Nation chooses its leaders under its own community election code, and not under those provided in the *Indian Act*, the Department has no role to play in ensuring compliance with these rules. Court decisions have made it clear that the Department has no role in ensuring or monitoring compliance with a community's election code. Furthermore, it has limited authority to intervene to resolve issues arising from these rules. The Department's role is limited to recording the results of elections and by-elections, as well as recording vacancies on the Council, as these events are reported by the First Nation. However, the Department will intervene if the delivery of essential programs and services to members is jeopardized.

The guilty pleas were entered shortly before the term of office of the First Nation Council was set to expire. No notice was provided to the Department by the First Nation indicating that the individuals who had pled guilty to the charges of theft and fraud had been removed from office. Since the Department does not ensure compliance with a community's election rules, in the absence of this notice, no action could be taken to record a vacancy.

A general election was held in the First Nation on May 18, 2012. We are informed that two individuals who pled guilty have been re-elected. The electors of the Poundmaker First Nation have expressed their ongoing support for these individuals at the ballot box.

3. Court decisions have made it clear that the Department has no role in ensuring or monitoring compliance with a community's election code. Some of the tools, such as mediation and arbitration, are options First Nations may consider when a governance dispute arises. In the past, the Department has offered to support mediation if parties accept. However, mediation will only lead to a lasting resolution if the parties agree to abide by the recommendations of the mediator.

A case in point involves the long-standing dispute in the Algonquins of Barriere Lake First Nation. The Department facilitated and supported the appointment of a federal court judge to mediate between the parties in dispute.

4. The Department remains available, upon request, to support the First Nation in reviewing its governance practices. Nonetheless, the best approach to resolving a governance dispute is to encourage First Nations to reach their own resolution with minimal intervention. The exercise of a statutory power requiring the holding of an election, either under the *Indian Act* or perhaps in the future under the proposed First Nations Elections Act, remains an option of last resort.

Clause 3(1)(b) of Bill S-6 allows the Minister to order that a First Nation hold its elections under the proposed First Nations Elections Act if a protracted leadership dispute has significantly compromised the governance of that First Nation. The type of disputes that would qualify under this wording are those that drag on for many years where parties are, after multiple efforts, unable or unwilling to end their dispute, and where service delivery and the health and well-being of community members are jeopardized. A similar power, provided for under section 74 of the *Indian Act*, has only been exercised three times for the purposes of solving a governance dispute, and was done so when all reasonable efforts to solve the dispute had been exhausted, which in some cases included court actions. The governance dispute in the Poundmaker First Nation does not exhibit the same conditions that moved the Minister to exercise the statutory authority in the cases that he did.

5. The Department does not turn down requests for assistance in solving governance disputes. In the past, the Department has offered to assist First Nations in reviewing governance practices and offered to support mediation. Departmental officials have even travelled to the community to meet with the parties in the dispute in an attempt to broker a lasting resolution.

Other than the power provided under the *Indian Act* to order an election under the Act, or, a future potential power provided by Bill S-6, the Department has no role in governance and election disputes in First Nations which hold their elections under their own community election codes. The courts have made this clear.

However, if the delivery of essential programs and services to the community is jeopardized because of the governance dispute, the Department will intervene to ensure continued delivery.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: Bill C-11, Motion No. 46, Bill C-38 and Inquiry No. 3.

[English]

COPYRIGHT ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Stephen Greene moved third reading of Bill C-11, An Act to amend the Copyright Act.

He said: Honourable senators, I am pleased to have the opportunity to speak today in support of the copyright modernization act, Bill C-11. This bill will update Canada's copyright regime, help us face the new environment created by the digital age, and strengthen Canada's ability to compete in the global economy.

Let me remind you, honourable senators, that this is the first time in over 15 years that the Senate has had the opportunity to review this important piece of legislation. It is our privilege and responsibility to shepherd the modernization of copyright through this important milestone. It is a responsibility we have taken very seriously.

Intellectual property law is complicated and updating it is a balancing act. This bill achieves the right balance.

The bill before us today is the result of extensive consultations. During these consultations many perspectives were heard, from Canadians who created copyrighted content to Canadians who access and use copyrighted content.

This bill has received extensive consideration by parliamentarians at two stand-alone legislative committees and it was studied by our Standing Senate Committee on Banking, Trade and Commerce. Much testimony has been given by witnesses and over 8,000 submissions have been received. As a result, the copyright modernization bill strikes the right balance.

This bill will allow Canada to catch up to international standards by implementing at last the World Intellectual Property Organization Internet Treaties of 1996. It will protect the interests of consumers, artists and creators. It will help protect and create jobs, stimulate the economy, and help attract new investment to Canada.

As we have heard from witnesses, copyright infringement, or piracy, takes revenues away from creators and reduces the incentive to create. The copyright modernization bill addresses this issue by introducing new tools to tackle online piracy. This will improve the ability of copyright owners to control the use of their works online and fight copyright infringement. These are important tools to protect the investments of Canadian businesses and creators.

This legislation also takes a firm stand on the importance of education and innovation. Bill C-11 promotes creativity and innovation by providing new and expanded exceptions for education purposes and exceptions to promote innovation in the computer software industry.

• (1450)

Bill C-11 offers benefits to Canadians from all walks of life who make use of copyrighted content. This includes those who use copyrighted content to create new works, those who use copyrighted content to innovate, and those who use copyrighted content for their own personal enjoyment.

To conclude, I would like to take this opportunity to thank all the witnesses who have testified and all of my honourable colleagues, both Liberals and Conservatives, who have taken the

time to study this important piece of legislation, while also giving due consideration to the critical need to move forward in updating Canada's copyright laws.

Bill C-11 will allow us to adapt to the constantly evolving technological world. The built-in, automatic five-year review process will ensure that our copyright regime remains relevant well into the future.

Technology has changed our lives. It has affected how we work, play and live. It is time that our legislation catches up with all of these changes. We owe it to all Canadians to bring Canadian copyright laws into the 21st century.

I urge all my honourable colleagues to join me in supporting the proposed Copyright Modernization Act.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak at third reading stage of Bill C-11, An Act to amend the Copyright Act. I would first like to commend our Standing Senate Committee on Banking, Trade and Commerce for hearing from so many witnesses in such a short period of time. The staff of the committee did a wonderful job in such a compressed period of time. I would also like to thank the witnesses who appeared. Their testimony was enlightening; their presentations were well prepared and thoughtful; and all used their time to express some very important points.

Let me begin my speech by quoting that famous Canadian writer, the late Gabrielle Roy, who said:

[Translation]

Could we ever know each other in the slightest without the arts?

[English]

Madame Roy has set out for us the creative and cultural foundation of our vibrant civil society — the arts then, the arts now, the arts forever.

Honourable senators, at second reading I stated in my remarks that the government has dealt with a very difficult subject. Those sentiments remain the same. We like some parts of the bill, but, we do not like some other parts. We feel that the witnesses we heard pointed out the same concerns we had going into the hearings. Today, Liberal senators believe that this bill can be fixed. We can make the necessary amendments, which will achieve the stated objectives of this bill as defined by the government. They are: first, modernizing the Copyright Act so that it is up to date with new technologies and international standards; second, striking a balance between creator and consumer; third, ensuring that the copyright law is flexible, that it will help protect and create jobs, and attract investment to Canada; and, fourth, creating an environment of technological neutrality, so that the law is more adaptable to ever-evolving technological advancements while still ensuring appropriate protections.

Honourable senators, I would like to speak to the problem of ephemeral rights, which will be removed should this bill pass as is. As I stated in my speech at second reading, since 1997 the Copyright Act has had an exemption which allows for ephemeral copies to be made by radio stations without paying royalties, so

long as the copies are destroyed within 30 days. That was an important exception. However, if a collective existed which could license the creators' rights with the radio station, then the royalty exception would not apply.

According to the Canadian Music Publishers Association, the CMPA, this right to collect royalties amounts to about \$21 million per year. That is a very large sum of money for creators. CMPA has stated that the regime, as it exists, has been an important source of compensation for artists. The formation of collectives has been encouraged and has grown to the benefit of these creators. However, under Bill C-11 there would no longer exist a royalty payout by radio stations to these collectives, so long as radio station destroyed the ephemeral copy after a 30-day period.

When asked about this direct loss of revenue for the creator, the Minister of Heritage said this:

It was not an easy decision. It was one of those issues that falls under the headline of "balance." We tried to gain balance. With respect to ephemeral rights, I know there are a lot of organizations, particularly music publishers and Music Canada and others, who were quite upset with that part of the bill.

The minister has this right, people are upset. They do not want their hard work being handed to a radio station for free. What artist would turn down a royalty which has existed since 1997? What government would take money out of their pockets and give it to private companies for no charge? This does not strike a balance. Furthermore, it does not meet the government's stated objectives of the bill, namely "to strike a balance between creators and consumers." To not pay royalties to a creator is not a balanced approach.

Furthermore, honourable senators, the minister stated that the local radio station was a major concern in putting an end to ephemeral rights for artists. He stated:

However, on the other hand, there were local radio stations that were very pleased by the fact that they are paying this and it would help them, many of whom are in difficult circumstances to stay on the air. It was a question of balance.

Honourable senators, according to the ownership information provided by the Canadian Radio-television and Telecommunications Commission, all radio stations in Canada are owned by only 37 owners. Most of those owners are large corporations who own many radio stations. There are very few local radio stations owned by individual owners.

Hence, the facts do not bear up or justify that concern or position. It is clear that the compensation paid to creators for ephemeral rights does not jeopardize the bottom line of local radio stations. Under this bill, the winners are big corporations and the losers are our creators. We have an opportunity to restore the ephemeral rights and we should do so.

Honourable senators, I would like to turn my attention to the provisions dealing with technological protection measures, or TPMs, commonly referred to as digital locks. My second reading speech highlighted the concerns we have regarding these provisions. To summarize, this bill has an exemption for people with disabilities to circumvent the digital lock, but it outlaws the tools necessary to do so. For example, this provision will have the effect of a blind person being fined up to \$5,000 for purchasing and using the tool necessary for him or her to take advantage of that exemption. This simply does not make sense. Again, this simple example demonstrates how the digital lock provision trumps the right of the consumer.

We heard from the Canadian National Institute for the Blind which stated:

CNIB provides alternative format reading materials and specialized library services to Canadians living with print disabilities.

An estimated 10 per cent of Canadians have a print disability — blind, learning disability or the inability to hold a book — for whom the access to information in an alternative format is the basis for education, employment, recreational reading and social inclusion.

That is a large segment of Canadian society which relies on alternative formats for reading. These formats are provided by the library at the CNIB. It was expressed to us that there is a great concern that the digital lock provision in this bill trumps the ability of the CNIB to provide that alternate format. The CNIB stated that they would like to see new wording which clarifies the issue, and they suggest the wording that states:

That it is not an infringement of copyright for a person at the request of a person with perceptual disability or for a non-profit organization acting for the benefit of a person with a perceptual disability to circumvent a TPM for the sole purpose of making the work perceptible.

The same applies to a mother who would like to move a DVD to her iPad. She would have to break the digital lock to do so, again, resulting in a fine of up to \$5,000. She has already purchased a copy legally; she just wants to shift formats.

As I stated at second reading, there is room for common sense here. We need to correct this situation. We need to make sure that digital lock provisions do not trump the rights of the user in these cases. No legislation approved by the Parliament of Canada should bar the disabled from taking their full part in Canadian society. That would be wrong.

Once again, the stated objectives of the government are not met, namely number 4, which states:

Create an environment of technological neutrality, so that the law is more adaptable to ever-evolving technological advancements while still ensuring appropriate protections.

• (1500)

What I have heard from this government over and over again is that jobs and the economy are paramount. If that mantra is to hold true, how can Bill C-11 possibly measure up? We have heard several witnesses testify that this legislation will cause their businesses to shut down. One must wonder how closing Canadian businesses adds to the economy or creates jobs.

Our committee heard testimony by representatives of the Visual Education Centre, a collective so designated by the Copyright Board, which provides cinematographic works to schools in the K to 12 and post-secondary education markets and has been doing since the 1960s. What we heard was that section 29 of this bill will kill the industry and thus their company.

They said:

The legislation before you proposes to provide our assets, and those of our industry, for free to the educational community. Without consultation and consideration of the negative financial impact, this government has decided that our private property rights, the assets of our company and of the creators we represent are now to be given to schools at no cost and without any compensation to our business or that of our producers.

Honourable senators, we are here to make sure that bills do not have such consequences for Canadians, intended or otherwise. We are here to correct these bills and prevent such terrible consequences from occurring.

The industry we are talking about is valued at \$50 million per year and employs some 8,000 Canadians. This is a travesty, and it should not happen on our watch. We have the power in this chamber to correct this wrong and make it right. The question is, will we muster the strength and numbers to do it?

The Visual Educational Centre has provided the solution, an amendment that would do the following:

... preserve our industry and the Canadians employed by it, provide access for schools to copyrighted material without fear of infringement for materials that are not commercially available, provide clarity for Internet use for teachers who will have access to a wider variety of audio-visual materials for teaching purposes, and sustain thousands of jobs and the \$50 million to the economy this industry generates.

At the very least, they ask that we delay this bill to allow for a consultation that will come to a satisfactory conclusion for all.

Yesterday, the Association acadienne des artistes professionnels du Nouveau-Brunswick called upon the Senate to take a closer look at this bill. Further, and this is interesting, the Government of China yesterday decided to step back and re-examine its proposed copyright law amendments out of concern expressed by Chinese artists and lawmakers. Surely we are capable of this.

Once again, this bill fails the government's objectives in point two, which seeks "to strike a balance between creator and consumer," and in point three, "to ensure that copyright law is flexible, that it will help protect and create jobs and attract investment in Canada."

There is no protection of jobs as a result of this bill, and there is no balance between creator and consumer. We heard from Access Copyright on the education exception in fair dealing as well. They stated:

When education was added to fair dealing, creators and publishers, Access Copyright and others came before the legislative committee and then the Senate raising concerns about the consequence of adding education to fair dealing; concerns about existing and future business models; concerns about licensing revenues disappearing; concerns about primary sales being reduced and investments being challenged; and concerns about increased litigation.

They went on to say:

Our stakeholders in the education sector, on the other hand, came before the legislative committee and the Senate and said that they will continue paying for licences and they will continue paying for books, as they have always in the past, insinuating that we were grossly exaggerating the negative impact of adding education to fair dealing.

An agreement on a new copyright regime with the Association of Universities and Colleges of Canada was reached just last month. Access Copyright assumed that individual universities would begin to sign on to the new deal. However, they soon realized the opposite would happen. Many of the education stakeholders began to urge that the new copyright agreement with Access Copyright not be signed.

Groups such as the Atlantic Provinces Library Association and the University of Windsor have come out against the agreement with Access Copyright. We were told by Ms. Roanie Levy, general counsel of Access Copyright, that with a fair dealing exception for education in Bill C-11, many educational groups are looking to the exemption as a means of not paying the creators for their proper compensation. Ms. Levy stated on Wednesday:

Adding education to fair dealing is having an impact today on the ability of creators and publishers to continue to be paid for the uses of their work. We urge the Senate committee to consider including in its report back to the Senate an observation that "fair dealing" should be clarified so that the government's stated intention, the intention that was expressed by the government in its backgrounders, namely that fair dealing not prejudice the legitimate interests of the copyright owner or have a negative impact on the market, be actually clarified.

Publishers and creators are not happy with this development. Obviously, once again we see that Bill C-11 does not fulfill its stated objectives, namely, that a balance be struck between creators and consumers. Where is the balance when a consequence of this bill is that creators are not paid for their work?

On Tuesday, department officials would not guarantee that creators would be fairly compensated under the new education exemption. That bothers me deeply.

Honourable senators, we have the ability to set this straight today. We must urge the government to clear up what is meant on the education exemption before the courts again are forced to decide and not the legislators. It is one thing to say that fair dealing is described with the six factors set out in the decision of the Supreme Court of Canada in the *CCH* case. Honourable senators should be aware that it took 11 years, from 1993 to 2004, for that case to wind its way through the courts.

Let us not put our creators in the position of expending their time and their limited resources in such legal actions to protect their intellectual property rights and to seek the compensation due to them. It is unnecessary and unfair to put our creators in such a position, particularly when the parties on the other side of such legal actions are usually corporations or entities with deep financial pockets.

That, coupled with the nominal financial penalty available to a successful creator plaintiff, in practical terms, substantially reduces the incentive and likelihood of a creator to bring an action to protect his or her intellectual property rights and to seek compensation due. Once again, big business will trump the little guy, in this case, our creators, those who are the very heart and soul of the cultural and knowledge elements of our society. This clearly is an upside-down policy that will do nothing to encourage and foster the creative arts in Canada.

The real nefarious aspect of this bill is that the monetary deterrent for infringement of intellectual property rights has been reduced to the point of no impact. The previous \$25,000 fine has been reduced to a fine of a maximum of \$5,000. What are we to read into that? Does that mean that this government has lowered its appreciation of the value of the works of our creators by 400 per cent, or does it mean that the government has lowered its valuation of the intellectual property of our creators by 400 per cent? Practically speaking, it looks like the government has declared an open season on the works and intellectual property rights of our creators.

We have been assured over and over again that this bill seeks to achieve a balance between users or customers and the creators, and we know that Canada has been viewed by its main trading partners as a piracy haven for intellectual property thieves. With that clear message of the loss of billions of dollars in intellectual property value, the government was moved to bring in this bill. Yet, by its own actions in the provisions of this bill, the government has undermined the value of the works and rights of our creators. If the matter of the use, licensing and protection of intellectual property rights is a valuable sector of our economy, why then is that same priority and value not attached to the very works and rights that underpin the whole sector? Frankly, I do not understand the approach or logic of the Harper government in that regard. Clearly, it is something we must fix. The regulations that will be attendant to this bill provide the opportunity to make that correction.

Rogers Communications raised a concern about Internet service providers and their shelter from liability under the hosting provided in proposed section 31.1(4). Rogers was adamant that the bill should be amended to provide clarity and certainty for them and other businesses involved in that sector, and they brought forward such an amendment.

• (1510)

On Tuesday, our committee was given a guarantee by department officials that such an amendment is not required. I quote that official response:

Our view is that it is not necessary. In fact, the clarity they are seeking is already in the bill as it has been prepared. Hence, there is no requirement to make additional changes to add additional clarity to it. It is clear.

I believe it is important to have this response on record in this chamber in the event that this issue goes before the courts.

Honourable senators, we understand that the issue of copyright is a complex and controversial one, and we appreciate the need to update the Copyright Act, both domestically and internationally, but Liberal senators in this chamber believe there are problems with this legislation that will harm both creators and consumers. We feel that with several amendments we can fix the problems.

We have heard from witnesses who expressed valid concerns with Bill C-11. They do not feel in their cases that the government has struck a balance between stakeholders, which is the goal of this legislation. I believe we should fix it today so that our courts are not forced to do our jobs for us. After all, that is the duty with which we are charged.

MOTION IN AMENDMENT

Hon. Wilfred P. Moore: Therefore, honourable senators, I move, seconded by the Honourable Senator Dawson:

That Bill C-11 be not now read a third time, but that it be amended:

(a) in clause 27, on page 23,

(i) by replacing lines 25 to 29 with the following:

“convenient time.”,

(ii) by deleting lines 33 to 37, and

(iii) by replacing line 41 with the following:

“students who are enrolled in the course to which the lesson relates;”;

(b) by relettering paragraphs 30.01(6)(b) to (d) on pages 23 and 24 as paragraphs 30.01(6)(a) to (c) and changing all related cross-references accordingly;

(c) in clause 34, on page 36, by replacing line 26 with the following:

“tained and may not subsequently reproduce the same sound recording, or performer’s performance or work embodied in the sound recording, unless the copyright owner authorizes further reproductions to be made.”; and

(d) in clause 47,

(i) on page 45,

(A) by replacing line 17 with the following:

“the technological protection measure, for any infringing purpose, unless”, and

(B) by replacing line 25 with the following:

“measure for any infringing purpose.”,

(ii) on page 51, by replacing lines 33 to 35 with the following:

“subsection.”, and

(iii) on page 58, by replacing lines 10 and 11 with the following:

“regulation, increase or decrease the maximum amount of statutory damages set”.

The Hon. the Speaker pro tempore: It has been moved by the Honourable Senator Moore, seconded by the Honourable Senator Dawson, that Bill C-11 be not now read a third time but that it be amended — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker pro tempore: On debate on the amendment?

Hon. Dennis Dawson: Can I take the adjournment in my name?

The Hon. the Speaker pro tempore: It has been moved by the Honourable Senator Dawson, seconded by the Honourable Senator Moore, that further debate on this matter be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: It is adjourned, on division.

(On motion of Senator Dawson, debate adjourned, on division.)

[Translation]

ALLOTMENT OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, since we have been unable to reach an agreement with the Deputy Leader of the Opposition concerning the allotment of time for this debate, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-11, An Act to amend the Copyright Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

ALLOTMENT OF TIME FOR DEBATE— MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of June 27, 2012, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, we are nearing the end of a very busy and productive session. As senators, it is our job to carefully examine the various bills that come to us from the other place and those that originate in the Senate. A number of bills had been under consideration for quite some time and many witnesses had an opportunity to appear before the committees responsible for

examining those bills. Thus, when it came time for our final consideration, it was only natural that we should take steps to ratify them without any unnecessary delays.

We agreed to conduct a pre-study in order to allow an in-depth examination of Bill C-38. We even split up the bill into five separate parts so that each committee involved could hear from witnesses on the specific topics addressed in Bill C-38.

Honourable senators, the following six senatorial committees were called upon to examine this bill: the National Finance Committee; the Banking, Trade and Commerce Committee; the Transport and Communications Committee; the Energy, the Environment and Natural Resources Committee; the Social Affairs, Science and Technology Committee; and the National Security and Defence Committee. In total, honourable senators, these committees examined this bill for more than 75 hours and heard from 205 witnesses.

And those numbers refer to the Senate's examination alone, for let us not forget that this bill was also studied for over 120 hours in the other place.

Senators also have the opportunity to express their views at third reading of the bill in this chamber.

We showed good faith by agreeing to split this bill so that it could be studied by different committees, and all the committees were able to hear from all the witnesses they wanted.

Each committee completed the study of its portion of the bill without being pressured, and the National Finance Committee reported the bill without amendment.

In view of the opposition's refusal to cooperate and limit debate on Bill C-38 at third reading, I can only conclude that this is just a tactic on their part.

Canadians expect us to adopt the provisions vital to the Economic Action Plan without playing political games. Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, is an important bill that will protect and secure Canada's economic prosperity. It would be irresponsible towards all Canadians to unduly delay its passage.

• (1520)

For all these reasons, I move that, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-38.

I call on honourable senators to unanimously support this motion.

Hon. Pierrette Ringuette: Honourable senators, the Honourable Senator Carignan clearly indicated in this chamber that never in the history of the Senate had a bill been split up so that six committees could examine its content.

Senator Carignan thus recognizes the scope of Bill C-38 and the abuse of power that it represents, since it amends 70 laws. This bill contains over 750 clauses and, as I said yesterday, it is clearly an abuse of power. I am convinced that this bill demonstrates a lack of courage on the part of the Prime Minister.

Honourable senators, the short title of Bill C-38 is the Jobs, Growth and Long-term Prosperity Act. This bill is an attack on Canadian workers, because the government has sent letters of dismissal to over 19,000 public servants. Rumour even has it that the number of letters issued will increase to 34,000 and that world-class Canadian scientists and researchers will be among those receiving them.

Honourable senators, this is an attack on Canadian workers.

[English]

It is an attack on Canadian workers and, more particularly, on the low-income workers of Canada, on the workers who, in the last six years, have gotten poorer and poorer. We are attacking these workers because we are telling them that they will have to work two more years in order to receive OAS. We are telling them that they now belong to three different categories.

[Translation]

We are telling them that they now belong to three different categories of employed or unemployed workers.

[English]

It is a particularly strong attack on seasonal businesses and on seasonal workers that are needed for these businesses through the changes in the regulation of Employment Insurance. Is the honourable senator trying to tell me that we can justify the title of this bill: jobs, growth and long-term prosperity?

Let me tell honourable senators about another attack on jobs and Canadians by this bill. Let us look at the modification with regard to cross-border shopping. It is estimated that the federal government, through these changes, will be losing \$17 million a year. However, let me remind all honourable senators that the federal government has an agreement with each of the provinces and territories with regard to the collection of HST at the border, at the entry level to Canada. Therefore, without even talking to the provincial premiers, the Minister of Finance of Canada has decided to reduce the Treasury Board income by \$17 million a year federally, but also, by the same token, remove approximately \$23 million yearly from provincial coffers to supply health care, education and home care — without even talking to the provinces.

Furthermore, this is an attack on Canadian workers because all these sales, estimated at a yearly \$340 million to Canadians abroad coming back to Canada, will not be made in Canada. The Retail Council of Canada estimates that they will be losing Canadian jobs to the tune of 11,000 per year — 11,000 workers in the retail sector, most of whom are working for minimum wage in local, rural communities that face the U.S. border.

Honourable senators, Bill C-38 is an attack on Canadian jobs. It is an attack on Canadian workers.

Some Hon. Senators: Hear, hear.

Senator Ringuette: Do not just take my word for it.

Marq Smith of Langley, B.C. says:

I don't understand it. The government is supposed to be in our corner, not encouraging people to go south to spend their money. And they're hurting themselves too, losing tax revenue. This doesn't help us as Canadians at all. I can't figure out the logic.

The Cornwall and Area Chamber of Commerce:

"By encouraging people to shop across the border, it literally takes money out of the pockets of business owners, their employees, and their families," said Shaver. "We are not sure how Mr. Lauzon came up with this idea or if he considered the impact it would have on our community."

Niagara Falls Chamber of Commerce:

This proposal will allow Canadians to spend even more money in the States, which means fewer dollars, more bankrupt shops, and more lost jobs for our citizens.

The Mayor of Killarney, Manitoba:

The only incentive for any Canadians in the last federal budget was, "hey, shop American." To me, there's no rationale behind that whatsoever. It means that we could potentially lose an additional \$150 per person in this community, per trip. How does this encourage the Canadian economy to grow?

Bruce McCormack, the General Manager of Downtown Fredericton:

... said he's already fielded calls from business owners who are upset by the change and how it will hurt their finances.

"This is a pretty big deal and we will be talking to our MP. I just think it's a shame that nobody was consulted," ...

Just by this measure, Bill C-38 is not only removing income from provinces to provide health services and education, it is also removing \$340 million from the Canadian economy. It is reducing, on a yearly basis — forever and ever until we have a change of government — 11,000 jobs in the retail sector.

• (1530)

The honourable senator is saying to us that we would be irresponsible if we did not adopt Bill C-38. We would be irresponsible if we did not support Canadian workers?

The Hon. the Speaker pro tempore: Honourable Senator Ringuette, I regret to inform you that your speaking time on this motion has expired.

Senator Ringuette: I would ask for five minutes more. I will ask for five days more but, at a minimum, five minutes.

The Hon. the Speaker pro tempore: Honourable senators, is five minutes granted?

Hon. Senators: Agreed.

Senator Ringuette: Thank you. Another very interesting issue in regard to Bill C-38 is the lack of consultation related to health care transfer to the provinces. The Prime Minister has announced, two years early, before the agreement was due, that the renewal would be at only 3 per cent instead of 6 per cent.

Honourable senators must remember also that we are facing a major demographic change in Canada. In front of our National Finance Committee we had a research group called the Canadian Institute for Health Information. They provided us with a graph of the effect of age in relation to the cost of health care. They researched all of that.

For instance, for most of the provinces in this country, except Alberta, the age of the population is increasingly older. The graph that we have before us indicates that at a regular sequence of four years there is a dramatic increase in health care costs for the provinces with the aging population. That means the federal government has a responsibility to sit down with provincial premiers and look at the demographics and the cost and understand that health care should not be based only on a per capita basis but should take into consideration the cost as per the demographics of Canada.

We also know that there is a link between the level of health care cost and the level of individual income. There is also a direct relationship.

Honourable senators, before deciding unilaterally, why did Mr. Harper say that the health care transfer would be reduced by half? Why did he not sit down with provincial premiers and seriously look at the demographics and the impact of those demographics in regard to health care costs?

The Constitution of Canada, in regard to equalization and regional disparity, says at section 36(1):

Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

(a) promoting equal opportunities for the well-being of Canadians;

(b) furthering economic development to reduce disparity in opportunities; and

(c) providing essential public services of reasonable quality to all Canadians.

That is also based on fair taxation and the varying capabilities of all provinces.

Honourable senators, again, the Prime Minister of Canada lacks courage.

The Hon. the Speaker *pro tempore*: Further debate?

Hon. Catherine S. Callbeck: Honourable senators, I rise today to say a few words about the motion for time allocation to curtail debate on Bill C-38, the budget implementation bill.

As a member of the Standing Senate Committee on National Finance, I participated in most of the committee's examination of the legislation. I want to comment on the composition of the legislation as a whole.

As many honourable senators know, Bill C-38 is a massive piece of legislation. It comprises over 750 clauses, affects over 70 acts of Parliament and is roughly 429 pages long.

I am not the first to talk about the size of this legislation. Professor emeritus of political studies at Queen's University, Ned Franks, who is no stranger to the National Finance Committee, noted in 2010:

Between 1995 and 2000, budget implementation acts averaged 12 pages in length. From 2001 to 2008, they averaged 139 pages. In 2009, the two acts added up to 580 pages - 32 per cent of Parliament's legislative output that year.

Mr. Franks went on to say:

The 2010 Budget Implementation Act, Bill C-9, contains 883 pages of varied and unrelated legislative provisions. It could form close to half the pages of Parliament's legislative output for 2010. These omnibus budget implementation bills subvert and evade the normal principles of parliamentary review of legislation.

It appears that the Budget Implementation Act that we now have before us is cut of the same cloth. Once again we are being asked to curtail debate. This restriction on debate and consideration of the many items contained within this legislative smorgasbord has not been confined to the proceedings of this chamber and the other place.

There was a common thread among witnesses who appeared before the National Finance Committee, who expressed some frustration with the "kitchen sink" nature of the bill. I found roughly one quarter of the witnesses not representing a government department or agency expressed concern regarding the nature of the bill.

I want to put on record here for members of the Senate what some of these witnesses had to say. For example, on June 5, Andrew Jackson, the chief economist with the Canadian Labour Congress, noted:

We also regret the fact that there is not really a clear policy rationale for the changes that are being proposed, and we are forced to address them within a large omnibus bill.

• (1540)

Two days later at committee, Susan Eng, representing the Canadian Association of Retired Persons, or CARP, made the following remarks:

Finally, I would like to say a word on the democratic process. Our members reacted strongly against the bundling of the OAS changes within the omnibus bill, and they certainly want proper parliamentary debate for such an important issue, especially one that was never put before the electorate. CARP called on all MPs to support motions to separate the bill, splitting it into more manageable portions in order to allow for adequate deliberation. The Prime Minister himself once warned against the bundling of disparate issues into an omnibus bill because it was beyond the capacity of a single parliamentary committee to adequately consider all the dimensions of major public policy changes. Breaking up the bill, in the then opposition leader Mr. Harper's own words, would allow members to represent the views of constituents on each of the different components of the bill. We agree, and that logic should be applied to Bill C-38.

At the same time, Jim Stanford, an economist with the Canadian Auto Workers, shared the concerns of Ms. Eng as he went on to say:

First, I agree with the previous witness in that it is inappropriate to be discussing fundamental changes to a program this important within the context of a composite omnibus bill. The pension system is an enormously central pillar in an individual's life cycle, planning and decision-making, decisions that take decades to be implemented. Changes to that system have to be made cautiously, carefully and incrementally.

For example, we have the Canada Pension Plan system in Canada that is also very effective, but in order to change it, you have to go through a whole process of public discussion and consensus-building. You have to win the approval of provinces representing two thirds of the population before you change anything in the plan. You cannot just throw a couple of paragraphs into an omnibus piece of legislation and make a change on such short notice.

A week later, Erin Weir, an economist representing the United Steelworkers, advised the committee by commenting:

I do not see why this measure needs to be bound up with implementing the budget. There are a lot of things in Bill C-38 that actually are not necessary to implement the budget. I suppose that is the real question as to why the government has sort of tethered it all together and tried to ram it through.

The obvious question is: What does this government have to hide? Is the government afraid of a little healthy debate upon issues dealt with in this legislation that affect the lives of everyday Canadians? With the tactics being used by this government to sweep this massive legislation through Parliament, one would get the impression they think the bill is perfect as written, but this is

not the case. Even the Finance Minister hesitated when he was recently asked by the media if he thought the budget bill was flawless. In fact, the minister said:

I'm sure there are items in the bill that could be improved and made better.

If the Minister of Finance is convinced there are initiatives in this bill that can be improved, then I think it is our duty as Canadians to identify them and provide the assistance he admittedly needs.

To review, it is possible that this legislation contains between one third and one half of the legislative output this government will generate all year. This government has imposed time allocation at every possible stage during consideration of this bill in the other place and is attempting to do so here as well. When witnesses have been asked to express their views on the composition of this bill, many say it subverts the normal principles of parliamentary review. Moreover, many have expressed concerns the bill contains non-budget-related items, items worthy of substantial investigation by committees of both chambers as well as extensive consultation with Canadians. On top of all that, the Minister of Finance himself is uncertain that this bill was the best he could do in his service to Canadians.

Honourable senators, armed with all this evidence, I feel that I have no choice but to vote against this motion of time allocation.

The Hon. the Speaker *pro tempore*: Further debate?

[Translation]

Hon. Fernand Robichaud: Would the Honourable Senator Callbeck take a question?

[English]

The Hon. the Speaker *pro tempore*: Would the honourable senator accept a question?

Senator Callbeck: I would be happy to.

[Translation]

Senator Robichaud: I know that the honourable senator is a member of the National Finance Committee and that she examined this bill — not in its entirety because it is very long — but perhaps she can answer my question.

Some committees were charged with examining certain sections of this bill. How many committees produced written reports with comments so that the National Finance Committee did not have to examine the entire bill?

[English]

Senator Callbeck: I thank the honourable senator very much for the question. Six committees looked at this bill, including the Finance Committee. The chair and deputy chair of four of the other five committees came before us and were there for roughly half an hour to discuss their findings. For example, the Energy Committee's chair and deputy chair appeared for half an hour. I

do not know how many pages and clauses there are in this bill, but half an hour does not do it justice. I am saying that there are so many pieces in this legislation that should be stand-alone legislation. It is absolutely ridiculous.

Back in 1995 to 2000, these bills averaged 12 pages in length, and here we are trying to deal with a piece of legislation at 429 pages.

I do not feel that the bill was adequately studied; I really do not. Certainly it was better than in the other place because we had six committees study it, but I still think that a lot of this should be stand-alone legislation given to individual committees.

The Hon. the Speaker *pro tempore*: Did the Honourable Senator Cordy have a question?

Hon. Jane Cordy: Yes. Going back to the pre-study, I know in the Social Affairs Committee we looked at the immigration piece of the bill. I said every time we had witnesses that this immigration legislation should have been stand-alone legislation because it required a lot of in-depth discussion and study.

Our committee did not write a report. I understand that two Conservative members appeared before the Finance Committee to talk about what happened at our committee, and I also understand that we sent over all of the documentation we received and all the testimony we heard. Would the Finance Committee have time in studying a bill over 400 pages long to go over all of the testimony that all six other committees heard?

The Hon. the Speaker *pro tempore*: Before the Honourable Senator Callbeck begins her reply, I regret to inform her that her time has expired. Is the honourable senator prepared to ask the chamber for more time to answer the question?

Senator Callbeck: Yes.

The Hon. the Speaker *pro tempore*: Is more time granted, honourable senators?

Hon. Senators: Agreed.

• (1550)

Senator Callbeck: I thank the senator for the question. We are both members of the Social Affairs Committee, and I agree that that section should be stand-alone legislation. It is important, and it deserves to be given adequate study.

Two members from the committee appeared, both from the government side, the chair and one other member. They were there for approximately half an hour. I did not see any written report from that committee. As I said before, the Senate has not done justice to this massive piece of legislation, 429 pages that should be divided up into several pieces of stand-alone legislation.

Hon. Robert W. Peterson: Honourable senators, I rise to speak to amendments to Bill C-38 that impact charities, as well as to other recommendations that were not included in the budget but should be considered in the Senate committee.

[Senator Callbeck]

As some senators may be aware, Bill C-38 amends the Income Tax Act to clarify the reporting of gifts to qualified donees, specifically in cases where those gifts are used by the qualified donee to carry out political activity. The intent of the amendment is to ensure that when a registered charity provides funding to a qualified donee that is then used for political activity, the registered charity making the gift reports this as part of its own political activities.

To that end, the term “charitable purpose” will be amended, as will the definition of “political activity.” While these may not seem like drastic changes, I would like to echo the concerns raised by Imagine Canada, a charitable umbrella organization. The concern is that a strict interpretation of the definition of a political activity, particularly the use of the phrase “the purpose of the gift,” goes beyond the intention of the legislation’s policy goals.

To use an example provided by Imagine Canada, take the case of a registered charity making a gift of \$1 million to another charity with \$5,000 of that gift earmarked for political activity. Under one reading of the proposed definition, as political activity is a purpose of the \$1-million gift, the entire \$1-million gift would be considered political activity on the part of the foundation, even though only a small portion of it is to be used for political activity by the qualified donee. This discrepancy will no doubt constrain charitable activity.

Bill C-38 also introduces amendments that will require charities to provide more information on their political activities, including the extent to which they are funded by foreign sources. In consulting with various charitable experts, the intent of this measure does not appear to be to change the law regarding what constitutes political activity but, rather, the extent to which charities may fund the political activities of another qualified donee. However, it is anticipated that this will be very confusing for charities, which might be misinformed about the changes. This could further extend the advocacy chill that has been created by remarks made by members of the government. It is my hope that the government will devote a large portion of their CRA resources to clarifying these measures, ultimately allowing charitable advocacy to flourish.

Another change in Bill C-38 is a new requirement for charities in their T3010 tax form and how they are applied. A new set of questions will require more onerous reporting of political activities as well as questions related to financing. While a greater degree of transparency is welcome, it is my hope that reporting burdens will be kept to a minimum so as not to distract charities from their primary missions. New reporting mechanisms may be especially onerous for small and medium-sized firms, which may not have the expertise that larger charities have.

It is important to remember that new measures will add to the reporting burden, meaning added compliance and overhead costs. It is also my hope that the CRA will continue to consult with front-line organizations like Imagine Canada so that best practice procedures can be applied.

Again, I urge that a majority of the \$8 million set aside in the budget be used for providing information to charities. This will also help ensure that charities do not accidentally overstep their accepted charitable purposes.

While I have spoken about various impacts of the budget, I would also like to speak to recommendations that have been made in committee but not included in the budget.

Charities have three major sources of revenue: donations, earned income activities, and government grants and contributions. In light of recent global economic conditions impacting the Canadian economy, it is imperative that donations to charities be encouraged to the greatest extent possible. Not only do charities conduct excellent work related to service delivery and policy creation, but the charitable and non-profit sector also represents a sizable portion of the Canadian economy — around 11 per cent.

The budget noted that the House of Commons Standing Committee on Finance is studying current and proposed incentives for charitable giving to ensure that the tax incentives are as effective as possible. However, the budget did not include the stretch tax credit for charitable giving, a recommendation that has been made by 70 per cent of charities in their recommendations to the committee.

The stretch tax credit is a tax instrument that would increase the federal charitable tax credit on giving that exceeds a donor’s previous highest giving level. The tax credit would increase from 15 per cent to 25 per cent for eligible amounts below \$200 and from 29 per cent to 39 per cent for eligible amounts above \$200. This would encourage donations from those who have not given in the past, particularly younger families and those just starting their careers. I encourage the government to include this measure as an amendment to Bill C-38. Research shows that more than half of donors would increase their giving if there were better tax incentives.

The Parliamentary Budget Office estimates that after three years the incremental cost to the treasury in forgone revenue would be between \$10 million and \$40 million a year. The PBO estimates that within three years there would be up to 600,000 new donors and that median donations would increase by up to 26 per cent. A \$10,000 cap on eligibility would also be targeted toward individuals and families who donate cash and have not benefited from previous tax measures that encourage large gifts of assets. Because there is no floor on a stretch tax credit, even those who can afford only smaller donations would benefit. This would also be an extremely beneficial measure for smaller charities that rely on a large number of small donations.

Another measure that I would encourage be included is an instrument that is currently being explored by Human Resources and Skills Development Canada. The budget noted that HRSDC is currently exploring social financial instruments, and social impact bonds are cited as holding promise as a tool to further encourage the development of government-community partnerships. The budget also noted that HRSDC is modernizing the administration of grants and contributions and is testing ways to maximize the impact of federal spending. This would include pay-for-performance agreements and encouraging leveraging of private sector resources. These measures could have a positive long-term effect on the non-profit and charitable sectors.

Honourable senators, the goal of any policy should be to encourage, improve and facilitate, not to impede. It is my hope that the amendments I have highlighted and the measures I have

recommended will be studied in depth in Senate committee. These are all positive amendments upon which both sides of this chamber should be able to agree. Canadians of all walks of life would be better if politics were set aside for philanthropy.

By the way, I think time allocation is an affront to the democratic process of debate on legislation.

Senator Cordy: Will the honourable senator accept a question?

Senator Peterson: Yes.

Senator Cordy: I was quite concerned to read an article about an interview with a member of the other side about charitable status. In it, she referenced the United Church. I am Catholic, and my church certainly works a lot with people living in poverty, with those who are less fortunate, and with those in our parish who may need health care, which would be a provincial and federal responsibility.

• (1600)

A government member from the Senate said, indeed, that the United Church would be considered a charity. The honourable senator talked about the term “political activities” and spoke about what we would think of the stereotypes as charities, but those who belong to places of worship certainly would contribute to these places. How will places of worship be affected by this bill? Will they lose their charitable status?

Senator Peterson: I thank the honourable senator for the question. Therein lays the problem. It is the definition of the term “charitable purpose” and “political activity” that is the issue. It could be far-reaching.

Right now I would think that particularly church charities would be reticent. It is my understanding that the Canada Revenue Agency will provide these definitions. I hope they will do it quickly, so that people will understand where they are in the picture.

Senator Cordy: However, will it mean that church organizations, synagogues or any organized religious groups will not be able to advocate on behalf of the members of their church or their synagogue?

Senator Peterson: The way it sits right now, my understanding is yes, they would be, because they would be countering government policy.

[Translation]

Hon. Dennis Dawson: Honourable senators, I would like to begin by condemning the fact that the time for debate on this bill will be limited because of the government’s motion for time allocation.

Parliamentarians are supposed to debate the government’s proposed legislation. They are not supposed to rubber-stamp measures proposed by public servants or the executive. They are supposed to carefully consider the measures, talk about them, amend them, study them and ensure that taxpayers’ concerns have been fully expressed.

[English]

I do not often quote Jason Kenney — and I am borrowing the quote from my honourable deputy leader, Senator Tardif — but that is what I will be talking about today.

[Translation]

I would like to talk to you about the erosion of the legislative process in Parliament. At the risk of boring some honourable senators on both sides of the chamber, I want to point out that I have been participating in the legislative process for 35 years now. That sometimes bores me too. In June 1977, 35 years ago, I was sworn in as a member of Parliament.

[English]

Some honourable senators are bored of hearing me say that I was here 35 years ago; so am I sometimes. Nonetheless, allow me to point out that many of you who now sit in this chamber were here with me 35 years ago. On this side, whether it is Senator Fairbairn, Senator Smith, Senator De Bané, Senator Baker or Senator Joyal, we were here. On the other side, I have friends across the aisle who were here in one capacity or another, either as journalists or as advisers to political parties, namely, Senator Segal, Senator LeBreton, Senator Duffy and Senator Wallin. Senator MacDonald was a political assistant with the Conservative Party.

Let me clarify: I am not trying to be nostalgic. I am trying to raise this for the purpose of historical context and to talk about one of the most serious issues we face as lawmakers today: the drastic and unrelenting regression of Parliament as an institution of political discussion and improvement, and the weakening of our institution. Honourable senators, as you well know, on both sides, we used to amend legislation.

Honourable senators, 35 years ago everyone took for granted that the legislation would be written by the lawyers at the Department of Justice, in cooperation with the Department of Transport, expecting that, when it was sent to the House of Commons, sent to the committees of the House of Commons, and then sent to the Senate and to committees of the Senate — and I am looking at my colleague from Quebec, Senator Rivest, who wrote legislation in Quebec — it would automatically be improved by that legislative study.

Honourable senators, we want the people who are concerned about a bill to give their opinion in order to improve it. The lawyers at Justice provided us with their best. They worked with department officials, but, nonetheless, they knew that the process of parliamentary democracy would require amending and improving their original drafts at all stages of the parliamentary process. This happened with minority and majority governments, under Conservative and Liberal governments.

There is no guilty side on this issue. We, as parliamentarians, should understand that if we do not assume our responsibility — and I know many honourable senators on both sides of the house are concerned with this subject — then we will become totally useless. If we do not make amendments, then why are we here? It is not only this chamber, however; trust me when I say that the other chamber is not doing a better job.

These people at Justice appeared with us in committees and, every time there was a step to be made to improve a bill, we would sit down with them in the legislative process and talk about how the bill could be amended. They would come back to us and write an amendment. We would do that all the time. It was quite natural. Hundreds of amendments were made in that way.

We did not present too many ominous bills in those days — and here I am talking about 35 years ago. For obvious reasons that we would not want to state today, we were proud to say that we passed 65 bills in one year. We were in a period where we thought that government had to get involved in everything. I do not propose to go back there, however, I do not think ominous bills are the solution. If we are supposed to be trading quantity for quality, trust me, this is not how we are coming out on this.

The bills we see going through these chambers have been getting progressively worse. This is not starting today, under the Conservative government; it was the same a few years ago under the Liberals. We are not taking into consideration what the stakeholders think, those outside of this place, outside of the Langevin Block and outside of the Justice Building. We were asking people to try to improve legislation. That is what we were supposed to do. I am sad to say that that is not what we are doing.

I have heard everyone here talk about the Liberal ominous bills. There is one basic difference between the Liberal ominous bills and the omnibus bills that we are passing these days: Our ominous bills were amendable. What a concept! The bill would be amendable. We would say, "Oh, my God, we have an improvement!"

Some Hon. Senators: Hear, hear!

Senator Dawson: We have found a flaw in the bill and we recognize the fact that it has to be fixed. People on both sides would sit down, in committee or in the chamber, or between the leadership, and say, "This bill needs improvements. Let us do it together." That occurred with our omnibus bills.

[Translation]

In 2006, this government's first omnibus bill, Bill C-2, the Federal Accountability Act, was amended significantly in both houses following in-depth study.

[English]

It was, by and large, the most important bill of the new Harper regime. He thought he was reinventing ethics. We all know how that turned out, but that is not the subject of my speech. Effectively, more than 150 amendments were presented — and I see here today some of the members of the committee at that time — by the Senate committee after there had been substantial amendments in the other chamber. These were sent to the House of Commons and what happened? They approved them. We must have been doing something right.

However, honourable senators, there must be something different today. As we talk today about Bill C-38, the people who write bills now and the people who work in the PMO are so good that they write them the first time — with 435 pages and

70 acts amended — and it goes through the system, from one end to the other, from the committees of the House of Commons to five subcommittees here in the Senate. We all find flaws. People on the other side know quite well there are flaws in these bills and say, "Well, we were told we cannot amend because it might delay the chamber and we might have to come back in July," which is not a nice thing, as everyone knows.

The reality is that we are losing our *raison d'être* and that would be bad for both sides. I look at the house leader on the other side as I repeat that it would be bad for both sides if we did not understand that we are part of the process. If we do not act as part of the process, then we will be irrelevant. I do not believe this chamber is irrelevant. I have been involved in this process for 35 years. I believe in the parliamentary process. I have been involved as a member of Parliament, as an intervenor from the outside, and now as a senator. The chamber of sober second thought was not created for blind partisan reasons.

• (1610)

I would like to talk to those in the 8-year club, of which some honourable senators here are members. I am part of the 35-year club. If senators really want to be relevant, they have to understand it is imperative to tell their leadership that they must be heard and they must put in amendments that will be in consideration of the stakeholders, not in consideration of their party leadership, not in consideration of their own opinions, but in consideration of what the taxpayers pay us to be here to do, and that is to change bills to improve them, not to weaken them or create extra infrastructure.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, here we are again. I rise to speak on yet another government guillotine motion, this time on the third reading of the massive ominous budget bill.

Senator Cordy: Is this a record?

Senator Tardif: It is a record.

Honourable senators, I am beginning to think that my colleague opposite, the Deputy Leader of the Government, must enjoy hearing my voice, since this is the third but I expect not final time in one week that he has obliged me to speak on a time allocation motion.

When the Deputy Leader of the Government rose to give his notice of time allocation yesterday on this budget bill — it is getting confusing, is it not, which time allocation motion we are talking about — he said that he had failed to reach an agreement with his counterpart on the other side. The agreement he sought to reach was to obtain a guarantee from me, as Deputy Leader of the Opposition, that the bill in question would be passed this week.

Honourable senators, I ask you the following: How could I deny my colleagues the opportunity to carefully study this bill and to speak on behalf of their regions? How could I agree to put a fundamentally unreasonable time limit on the debate of this massive and complex bill?

Senator Cordy: That would be undemocratic.

Senator Tardif: Exactly.

Based on my own convictions and those of senators in our caucus, I could not agree to such a request. This is why we are here today debating this motion. I am resigned to the reality that the use of time allocation is to become a regular tool for the government — the rule rather than the exception.

While I cannot expect to change the minds of the government leadership on this motion, I do hope that other senators opposite will carefully consider the motion that they are being asked to support today. The government has an assurance that this bill will eventually pass. It has a majority in this chamber, and any standing vote will turn out in its favour. It is only a matter of time.

Honourable senators, there is no malevolent, dilatory effort being undertaken here. Her Majesty's Loyal Opposition is not being obstructionist for pure obstruction's sake. Let us understand clearly what is being proposed here. The government gave notice of its intention to use this closure motion after just one day of third reading debate on an ominous bill of 429 pages, 753 clauses, which introduces, amends or repeals more than 70 federal statutes. If the Senate were to consider every clause of this bill, the time limit the government seeks to impose would allow for 47 seconds of total debate per clause.

The Standing Senate Committee on National Finance only tabled its report in the Senate the day before yesterday, with over 33 hours of testimony from witnesses, plus an additional 36.5 hours of testimony from the five additional Senate committees that considered portions of this massive bill. How can the Senate possibly be in a position to complete its examination by the end of this day? If a senator wanted to examine the transcripts from all of these hearings, he or she would have literally thousands of pages to read through.

Honourable senators, it is getting to be a habit with this government, ramming legislation through the Senate as if this chamber were nothing more than a rubber stamp. This bill is not the only one being pushed through at the last minute. Today we begin debate at third reading on Bill C-11, a bill that was first tabled in the House of Commons on September 29 of last year. In those nine months in the other place, a total of 25 sitting days were devoted to study of the bill. Now the government in the Senate wishes to see it disposed of in this place in a matter of a few days.

Bill C-23, the Canada-Jordan free trade agreement, was in the house on two separate occasions, in the Fortieth and Forty-first Parliaments. There were a total of 12 meetings and 40 witnesses and over 12 months devoted to consideration. Here in this place, we again see the government expecting that the bill be passed within a few days and only hearing one witness.

[Translation]

It is true that this government holds a majority, but a majority government does not mean a government that does not listen. The senators of the opposition have real concerns about this bill — a

bill that will have a real impact on the lives of all Canadians. Rather than using procedural manoeuvres to rush this bill through, the government should introduce a more convincing bill with a reasonable scope that might even receive some support from the opposition.

This type of mutual cooperation between the government and opposition benches in this chamber is not unusual. I like to think that senators from all parties take a certain pride in such cooperation.

I am not going to say anything more about this motion, because I believe that my remarks on the previous time allocation motions moved in this chamber in the past few days have made my position on this issue very clear.

Honourable senators, once again, I cannot support this time allocation motion.

[English]

Hon. Lillian Eva Dyck: Would the honourable senator take a question?

Senator Tardif: Yes.

Senator Dyck: In her position as deputy leader, the honourable senator has a great understanding of how things work within the Senate. I know that senators on the other side are always talking about Senate reform and a Triple-E Senate — elected, effective and equitable. We hear a lot about having elected senators and how that will make this a more effective chamber. How does time allocation make the chamber more effective? We seem to see this all the time. They are limiting debate. How does that affect our jobs as senators? How will we be more effective if we are not given the proper amount of time to debate? What are the honourable senator's views on that particular question?

Senator Tardif: That is a huge question. Obviously, the Senate should be a chamber of sober second thought. We do need to have that time in order to carefully consider the legislation before us. That is the mandate that was given to us, according to the Constitution. We need the time to do our work, and it is unfortunate that there is a curtailment of debate.

The Hon. the Speaker: Are honourable senators ready for the question?

[Translation]

Senator Robichaud: Honourable senators, could I have about 10 minutes to read the summary of this bill? I do not want to have to interrupt the reading and, if I were to be granted 10 minutes, then I could start reading right away.

Senator Carignan: Honourable senators, according to practice, a senator starts his speech and, when his speaking time runs out, he is then able to ask for five more minutes, which is traditionally granted.

Senator Robichaud: I understand what the honourable senator is saying.

• (1620)

If I were to read the summary, I think it would take me another hour. I could begin by reading Division 56 of Part 4.

Division 56 of Part 4 amends the *Assisted Human Reproduction Act* to respond to the Supreme Court of Canada decision in *Reference re Assisted Human Reproduction Act* that was rendered in 2010, including by repealing the provisions that were found to be unconstitutional and abolishing the Assisted Human Reproduction Agency of Canada.

I will now read Part 1 of the summary:

Part 1 of this enactment implements certain income tax measures and related measures proposed in the March 29, 2012 budget. Most notably, it [. . .]

Then come paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k).

The summary continues:

Part 1 also implements other selected income tax measures and related measures. Most notably, it

. . . (a), (b), (c).

Honourable senators, I will dispense with reading all these divisions because I know that you will all read the summary before voting on the amendment proposed by Senator Ringuette and, of course, before voting at third reading stage.

[*English*]

The Hon. the Speaker: Are honourable senators ready for the question on the matter before the house, which is the motion for time allocation?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Carignan, seconded by the Honourable Senator Marshall:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Two senators rising, automatically it is a 60-minute bell, which means that the vote will take place at 22 minutes after five o'clock.

• (1720)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Martin |
| Angus | Meredith |
| Ataullahjan | Mockler |
| Boisvenu | Nancy Ruth |
| Brown | Nolin |
| Buth | Ogilvie |
| Carignan | Oliver |
| Comeau | Patterson |
| Dagenais | Plett |
| Di Nino | Poirier |
| Doyle | Raine |
| Duffy | Rivard |
| Eaton | Runciman |
| Finley | Segal |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | St. Germain |
| Housakos | Stewart Olsen |
| Johnson | Tkachuk |
| Lang | Unger |
| LeBreton | Verner |
| MacDonald | Wallace |
| Maltais | Wallin |
| Manning | White—51 |
| Marshall | |

NAYS THE HONOURABLE SENATORS

| | |
|------------------|--------------------------|
| Callbeck | Jaffer |
| Campbell | Mahovlich |
| Chaput | Mercer |
| Cordy | Merchant |
| Cowan | Mitchell |
| Dallaire | Moore |
| Dawson | Munson |
| De Bané | Peterson |
| Downe | Ringuette |
| Dyck | Rivest |
| Eggleton | Robichaud |
| Fairbairn | Smith (<i>Cobourg</i>) |
| Fraser | Tardif |
| Furey | Watt |
| Hervieux-Payette | Zimmer—31 |
| Hubley | |

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1730)

THIRD READING—MOTION IN AMENDMENT
NEGATIVED—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Buth, seconded by the Honourable Senator Doyle, for the third reading of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy, that Bill C-38 be not now read a third time but that it be amended

(a) on pages 306 to 311, by deleting clause 447;

(b) in clause 608, on page 373, by replacing line 1 with the following:

“(k.1) subject to section 54.1, establishing criteria for defining or”;

(c) on page 373, by adding after line 21 the following:

“608.1 The Act is amended by adding the following after section 54:

54.1 (1) Before a regulation is made under paragraph 54(k.1), the Minister shall cause the proposed regulation to be laid before each House of Parliament.

(2) The proposed regulation shall be laid before each House of Parliament on the same day.

(3) A proposed regulation that is laid before a House of Parliament shall, on the day it is laid, be referred to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct inquiries or public hearings with respect to the proposed regulation and report its findings to that House.

(4) A regulation may not be made under paragraph 54(k.1) before the earlier of

(a) 30 sitting days after the proposed regulation is laid before the Houses of Parliament; and

(b) the day after the appropriate committee of each House has reported its findings with respect to the proposed regulation.

(5) The Minister shall take into account any report of the committee of either House and, if a regulation does not incorporate a recommendation of the committee of either House, the Minister shall cause to be laid before that House a statement of the reasons for not incorporating it.

(6) A proposed regulation that has been laid before Parliament need not again be so laid prior to the making of the regulation, whether it has been altered or not.

(7) A regulation may be made under paragraph 54(k.1) without being laid before either House of Parliament if the Minister is of the opinion that the changes made by the regulation to an existing regulation are so immaterial or insubstantial that subsections (1) to (6) should not apply in the circumstances.

(8) If the regulation is made without being laid before the Houses of Parliament, the Minister shall cause to be laid before each House a statement of the Minister's reasons.

(9) For the purpose of this section, “sitting day” means a day on which either House of Parliament sits.”; and

(d) in clause 703, on page 402, by adding after line 36 the following:

“(1.1) Before an instruction is given under subsection (1), the Minister shall cause the proposed instruction to be laid before each House of Parliament.

(1.2) The proposed instruction shall be laid before each House of Parliament on the same day.

(1.3) A proposed instruction that is laid before a House of Parliament shall, on the day it is laid, be referred to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct inquiries or public hearings with respect to the proposed instruction and report its findings to that House.

(1.4) An instruction may not be given under subsection (1) before the earlier of

(a) 30 sitting days after the proposed instruction is laid before the Houses of Parliament; and

(b) the day after the appropriate committee of each House has reported its findings with respect to the proposed instruction.

(1.5) The Minister shall take into account any report of the committee of either House and, if an instruction does not incorporate a recommendation of the committee of either House, the Minister shall cause to be laid before that House a statement of the reasons for not incorporating it.

(1.6) A proposed instruction that has been laid before Parliament need not again be so laid prior to the giving of the instruction, whether it has been altered or not.

(1.7) An instruction may be given under subsection (1) without being laid before either House of Parliament if the Minister is of the opinion that the changes made by the instruction to an existing instruction are so immaterial or insubstantial that subsections (1.1) to (1.6) should not apply in the circumstances.

(1.8) If the instruction is given without being laid before the Houses of Parliament, the Minister shall cause to be laid before each House a statement of the Minister's reasons.

(1.9) For the purpose of this section, "sitting day" means a day on which either House of Parliament sits."

(e) on page 150, in clause 133, by replacing line 21 with the following:

"the fish as food or for subsistence or earning a moderate livelihood or for social";

(f) on page 151, in clause 133, by replacing line 5 with the following:

"to fish includes any permanent or recurring";

(g) on pages 340 and 341, by deleting clause 525;

(h) on page 369, by deleting clause 602; and

(i) on page 395, in clause 682, by replacing line 8 with the following:

"or a veteran's spouse, common-law partner or survivor if the veteran or the veteran's spouse, common-law partner or survivor meets".

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, in speaking today, instead of looking individually at the amendments that were introduced yesterday by my colleague Senator Ringette, I would like to focus on why Bill C-38 has caused us on this side such difficulty.

When I spoke at second reading on this bill last week, I barely touched the surface of this gargantuan piece of legislation, one sweeping, nation-changing bill that is being rammed through Parliament with minimal opportunity for study, debate or, perhaps most importantly, input by Canadians.

One bill, 425 pages long, 753 clauses amending or repealing some 70 separate acts of Parliament, laws passed when an "act of Parliament" actually meant an act of Parliament. Because let us be very clear, what is before us now is not what any of our predecessors in this chamber would have recognized as an act of Parliament. It is an act of the Harper government, aided and abetted by its enablers in the Conservative caucus.

It is ironic, and depressing, to recall the promises of democratic and parliamentary reform, a new era of openness and transparency, that candidate Stephen Harper promised Canadians, on the strength of which he was elected.

Parliamentary reform? Now we know it really means emasculating Parliament and any serious role for parliamentarians.

Debate? The Harper government sees no need for debate. It is not interested in the views of Canadians or even of its own caucus members. No debate, no hearings, no input from concerned Canadians, and certainly no amendments.

What about openness and transparency? Well, a recent report from the Halifax-based Centre for Law and Democracy ranked countries on freedom of information. Out of 89 countries, we are tied for 51st behind Angola, Colombia, South Korea and Niger.

That finding is no surprise to any of us here, of course. The Parliamentary Budget Officer — remember that this was a position created by the Harper government when it first came to power — is threatening to take the government to court. That looks to be the only way he will be able to pry facts from the government about how its cuts under Budget 2012 will impact federal departments and agencies and, therefore, Canadian taxpayers. The Harper government's response? Attack, attack, attack. Minister John Baird rose in the other place and accused the Parliamentary Budget Officer of "overstepping his mandate."

Let us be clear, honourable senators: The Parliamentary Budget Officer did not overstep his mandate. He is attempting to fulfill his parliamentary-established mandate, notwithstanding all the roadblocks and refusals and denials and attacks from the Harper government.

Liberal members of the Standing Senate Committee on National Finance wanted to call Mr. Page to appear as a witness on Bill C-38. That motion was defeated by the Conservative majority on that committee.

Some Hon. Senators: Shame.

Senator Cowan: We are left here today without the basic financial facts we need to assess the bill before us. Honourable senators, these are issues of financial costs and savings for a major, and highly controversial, budget bill.

All of us in this chamber are going to have to stand and vote. How will honourable senators opposite, who have in many cases devoted their lives to arguing for responsible fiscal management, for accountability and transparency, have the stomach to vote for a bill whose contents have not been thoroughly studied and for which, as I say, we do not even have basic financial information?

Last week when we debated this bill, I said that I do not envy their position. They are the ones who will have to reconcile their vote with their principles. They are the ones who will have to defend what they are doing here today.

In my speech at second reading, I read to honourable senators from the extraordinary letter written by four former federal fisheries ministers, two Progressive Conservative and two Liberal, in their determined — quixotic, really — attempt to persuade the Harper government to change this bill's provisions on fish habitat.

Now we have clear evidence, if any was needed, as to what the government intends by their new measures.

Earlier this month, Mr. Harper's Minister of Fisheries and Oceans, the Honourable Keith Ashfield, wrote a letter to Mr. Todd Panas, the National President of the Union of Environment Workers. He explained — this is Mr. Ashfield — that one of the reasons these provisions were needed is that “there are currently few tools to authorize pollution.” Let me repeat: “few tools to authorize pollution.” He goes on to say, “other than by detailed regulations. For example, the amended Fisheries Act will provide flexibility and establish new tools to authorize deposits of deleterious substances.”

That is the Minister of Fisheries and Oceans, the Honourable Keith Ashfield.

Honourable senators, provisions contained in Bill C-38 are needed to establish new tools to authorize water pollution.

Some Hon. Senators: Shame.

Senator Cowan: No wonder environmentalists around the world are aghast at what is taking place in this country. Canada's minister responsible for protecting our fisheries and oceans is complaining that there are too many regulations hampering people who want to pollute our pristine and world-renowned lakes and rivers. There is too much red tape for polluters. It is time to cut through that red tape.

Honourable senator, let me read to you a new clause that Bill C-38 will insert into the Fisheries Act, right at the beginning, as part of the “interpretation” or definitions section of the act. This is what it says:

(2) For the purposes of this Act, serious harm to fish is the death of fish or any permanent alteration, or destruction of, fish habitat.

Let me repeat that: “Serious harm to fish is the death of fish.” I thought that would be pretty self-evident. Nothing else qualifies as “serious harm,” only a dead fish, or a permanently altered fish habitat or a destroyed fish habitat.

The fish habitat must be “permanently altered” or “destroyed.” Those are the words in the act. If there is any hope of remediation or returning the habitat to its original condition, that does not fall within the definition of “serious harm.” If the fish is mutated from chemicals, that is not serious harm, according to the Harper government.

Honourable senators, will we now have members of the Harper government insisting, like the Monty Python pet shop owner, that the fish, like the famous parrot, is not dead? It is only resting and pining for the fjord?

I spoke at length last week about the Experimental Lakes Area research centre that the Harper government is shutting down with Bill C-38. The government is encouraging ever faster and bigger development of the oil sands but is at the same time shutting

down any source of scientific information about the impact of what we are doing to our environment and fresh water.

That is because facts can lead to someone questioning the government, and this government does not like questions.

Since I spoke, Canadians have learned a little more about how the Harper government is muzzling the scientists affected by the shutdown. Michael Harris wrote a revealing article about this and the Experimental Lakes Area shutdown in yesterday's *iPolitics*. This is what he wrote:

All employees were explicitly warned not to speak to the media. Instead, media requests had to be forwarded to what was risibly referred to as DFO Communications. That is the branch plant of the Ministry of Truth in the PMO that casts the appropriate lights and shadows over the facts for the government and still manages to sleep well at night. You know, the Ignorance is Strength/Freedom is Slavery crowd.

How far has the government been prepared to go to smother the facts surrounding the ELA? For starters, DFO declined all requests from the media to speak with scientists.

Being an equal lack-of-opportunity employer, DFO also turned down all requests from its scientists to speak about their work to Canadians. Remember, these are the same people who sent “minders” with scientists to a recent scientific conference in Montreal, lest they stray from the government line in public. I am beginning to suspect that the government line is based on believing that 10,000 years ago Brontosaurus were cropping grass in the back forty.

You will be comforted to know that DFO extended the ban on ELA information to federal MPs. The department turned down NDP MP Bruce Hyer's request to visit ELA with an ELA scientist. When an outraged university scientist conducting research there offered to take Hyer on a tour of the facility, DFO threatened to cancel his research privileges. Any wonder that acclaimed international scientist Ragnar Elmgren said that this was the kind of thing you would expect from the Taliban, not the government of a western democracy?

• (1740)

Policy without evidence, science shut down, scientists fired by the dozens — according to yesterday's news, perhaps by the hundreds — and those remaining with the federal government are muzzled. Who would have imagined that Canada would come to this?

Last Friday, Canadians learned that four former senior public servants in the Department of Fisheries and Oceans took the highly unusual step of writing to Prime Minister Harper asking him to reconsider the decision to withdraw funding from the Experimental Lakes Area. The four men, Burton Ayles, who was regional director-general from 1993 to 1995, Herbert Lawler, who was the regional director-general from 1973 to 1986, Paul Sutherland, who was regional director-general from 1986 to 1993, and Rick Josephson, who was regional director of fisheries and habitat management from 1981 to 1989, wrote that they were “deeply disturbed” by the decision.

This is what they wrote to Prime Minister Harper:

We believe that you have been ill advised either by political staff with little understanding of federal constitutional responsibilities and with little appreciation of the importance of clean water and viable aquatic ecosystems to the well-being of all Canadians or by federal bureaucrats with a bias towards the management of marine fisheries . . .

Former public servants, former ministers from different political parties, provincial governments, scientists, leading international journals — the list of those saying this is wrong grows daily.

Policy based on evidence and science is a thing of the past, and the result is, as former Prime Minister Brian Mulroney said:

For what would be said of a generation that sought the stars, but permitted its lakes and streams to languish and die?

I hope that Mr. Mulroney took the opportunity to repeat this warning to Prime Minister Harper when he met with him in secret earlier this month. If Mr. Harper was seeking advice on how to gain political traction in the province of Quebec from Mr. Mulroney, as was widely reported in the press, I expect that he was told that Mr. Harper's utter lack of respect for our natural environment was fast becoming a major public relations problem for him and his party in Quebec.

Honourable senators, last week I asked about the fiscal judgment of this government in closing the Experimental Lakes Area for a supposed savings of \$2 million a year. I pointed out that estimates to remediate the lake run as high as \$50 million.

I am, of course, not the only person to note the incongruity of certain so-called cost-saving measures in this budget. This bill is littered with them.

As I noted last week, Bill C-38 will close the office of the Inspector General of CSIS, leaving the Security Intelligence Review Committee as the only check on the spy agency's activities.

A letter appeared in *The Globe and Mail* on Tuesday from Paul Cavalluzzo, a highly respected Toronto lawyer who served as lead commission counsel to the O'Connor commission in the case of Maher Arar. This is what Mr. Cavalluzzo wrote:

The cost of protecting Prime Minister Stephen Harper will double this year to \$20-million from 2006, when he took office. . . .

This huge increase occurs at the same time that Mr. Harper has eliminated the office of CSIS's watchdog, the inspector-general, because of the cost — \$1-million annually. Perhaps Mr. Harper could spare some loose change from his protection budget and reinstate the inspector-general so Canadians' civil liberties might be adequately protected from our security services.

He concluded by saying:

I guess smaller government lies in the eye of the beholder.

We have a Prime Minister who insists on doubling to \$20 million the government expenditure on his personal security detail, while shutting down the office of the Inspector General of CSIS, who provides security for all Canadians from an intrusive government, at a cost of \$1 million a year. That cost for the security of all Canadians is much too high to continue, according to Mr. Harper.

That is what becomes of the inspector general — gone, to join the world-renowned research centre at the Experimental Lakes Area, the National Round Table on the Environment and the Economy — the list just keeps growing.

What are this Prime Minister's priorities? "Après moi, le deluge" — but honourable senators, this Prime Minister will leave all Canadians ill-equipped to deal with the deluge and destruction he is leaving in his wake.

Of course, the social safety net that Canadians built up for just these kinds of difficult times is being eroded, cut away bit by bit. The Harper government does not believe in safety nets. It is survival of the fittest in Harperland.

Employment Insurance? It depends on what industry you work in, honourable senators. If you live in a region that has built up and depends on seasonal industries, you are out of luck. Pull on your boots and move somewhere else.

Old Age Security? Remember the left-wing slogan, "Make the rich pay"? The Harper slogan is, "Make the old work."

Remember, honourable senators, what little the Parliamentary Budget Officer was able to discover from the government led him to conclude that the changes to the OAS are not required to make the program financially sustainable for the long term. He found the OAS program is just fine financially. However, that was not fine for the Prime Minister, because his government does not like social safety nets. They are not needed by the 1 per cent.

Honourable senators, I understand that sometimes there is need for austerity. I have many questions about how the Harper government put Canadians in this situation. There have been far too many instances of fiscal mismanagement since Mr. Harper took power, but I certainly understand that circumstances can require tightening one's belt. However, let us be clear: That is not what Bill C-38 is about. As I elaborated last week, it is not really about jobs, growth and long-term prosperity.

This bill is about systematically eliminating organizations that this government does not like. It is about eliminating checks on secret government activities. It is about cutting funding for the Heavy Urban Search and Rescue teams, the same teams sent to Elliot Lake to deal with the tragic shopping mall collapse. It is about undoing decades of environmental protection laws. It is about changing the law to allow polluters to pollute our lakes and rivers. It is about putting a chill on our charitable organizations, when there is an issue that they want to speak out on. It is about slowly and quietly unravelling our social safety net.

It is about power. It is taking power away from public view, away from independent boards, away from Parliament, and consolidating that power in the hands of the Prime Minister.

Of course, honourable senators, remember the process by which this mammoth bill has been relentlessly pushed through the other place and is being forced through this chamber, with repeated recourse to Mr. Harper's favourite legislative tools to shut down debate: closure in the other place and time allocation here.

• (1750)

We have a bill that is fundamentally all about taking power into the hands of the few, and it is being done through an abuse of power. Meanwhile, the members of the Conservative caucus sit like so many Madame Defarges, knitting as the guillotine falls. They say that power corrupts. I dread to think what lies ahead.

Hon. Daniel Lang: Honourable senators, I rise to speak to Bill C-38. I want to begin by saying how fortunate we all are to be Canadians.

Unlike the Leader of the Opposition, I read the newspapers every day. I look at what is happening around me as a Canadian, around Canada, and see what is happening in the world. I have to say to myself, we are blessed to be Canadians.

We are an island unto ourselves when we look around and look to our neighbours, the United States, and look at the high unemployment figures of our neighbour country, so much bigger than our own. When we look at Spain, at Greece, at the European Union and around the world, I have to say to my colleagues across the floor: The glass is not half empty; it is half full.

We are very fortunate to be in the position we are in today and to be moving ahead with the political agenda presented in the House of Commons and in this place for the democratic debate we are having now.

The side opposite talks about the fact that democracy has come to a halt. Everyone has forgotten that a year ago there was an election. The purest democratic reform that one can ever have is a free election. What we are being asked to vote on and what has been voted on by Canadians, one and all, was the agenda that has been placed before us.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker: Order.

The Honourable Senator Lang.

Senator Lang: Thank you, Your Honour. I just want to point out that I never interrupted the Leader of the Opposition. I expect the same type of behaviour from the side opposite.

I want to remind honourable senators that since 2006 we have been through a number of elections and a number of minority governments. Before us in this budget are many issues and measures that have been debated endlessly during the course of the last five years, not the course of the last two or three months that this budget was presented in the House of Commons.

I want to point out, for example, that the Shiprider program, which is included in this particular bill, will bring together the United States and Canada in respect of the actual border, control over it and the shared responsibility that we have as Canadians and Americans. That measure in this bill was debated a year or two ago in both houses.

The measures contained in this bill are not new. Most of them have been debated over the last five years, not the last year, depending on what the issues are and what measure one wants to discuss.

I want to refer to one area that I think is very important as we move ahead and look at the agenda in the coming years. In the past three years we have seen 700,000 jobs created in this country. We are the envy of the rest of the world. Those 700,000 jobs, in good part, are well-paying positions across this country: not just in Quebec, not just in British Columbia, not just in Newfoundland and not just in the area that I represent, the region of Yukon.

Perhaps we should look at the region of Yukon and discuss this budget and how it is affecting us as Yukoners and as Canadians. First, not one of the senators opposite has talked about the equalization payments that will be continued in this budget and forthcoming budgets that allow the Government of Yukon or, in the Leader of the Opposition's case, the Government of Nova Scotia to maintain all their social programs that they administer on a day-to-day basis. Those are the real programs that affect Canadians: education, health and all those programs administered by the provinces and territories. They have been increased, not decreased.

I would say to senators opposite that when we look at this budget, the government should be commended for being able to provide to the provinces and territories an increase in equalization payments so they can continue to provide these programs and at the same time meet our objective of managing the deficit.

I hear different things from the side opposite during Question Period, depending on the day. On Monday they criticized the government and asked what we are doing to reduce the deficit. The next day the government takes some steps and is criticized for taking those steps. I have not heard one recommendation from the side opposite.

Now we are talking about the budget before us and whether or not it has had any public consultation. I do not know where the side opposite was; maybe they were on holidays. The Minister of Finance went across this country, from region to region, from city to city, having meetings, day after day, asking Canadians to bring forward ideas of what should be in this particular budget. In fact, the Liberal Party was asked to bring forward their ideas. Did we get any ideas? Did we get any recommendations? No.

Senator Mercer: It is your job.

Senator Lang: The honourable senator says it is my job. Yes, it is my job, but he cannot stand in his place and say that there was no consultation. The honourable senator had the right to consult and the right to bring forward his position, and he did not.

I want to say to the side opposite that I believe very strongly that this budget, Bill C-38, has been brought forward through the democratic process, through an election. We were all part of that election and we know the final result.

We know the Minister of Finance has gone across this country asking for recommendations. In good part they were included in this budget. I know for a fact that the northern caucus met with the Minister of Finance and brought forward recommendations that are contained in this document.

The Leader of the Opposition referred fleetingly to the question of the changes in the environmental regime across this country. I point out to the side opposite that, if they want consultation, it was unanimous among the provinces and the territories that we had to streamline the regulatory process in this country if we are going to reap the benefits of the development of our resources. That is not consultation, though, when the provinces and territories bring forward a unanimous position. That is contained in the budget.

Members of the Standing Senate Committee on Energy, the Environment and Natural Resources have discussed this and we heard witnesses. I can say this — and I know that the senator from Alberta and the other committee members will have to agree — that the changes to the regulatory process are good. They will strengthen the environmental responsibilities that we have in this country and free up money that was being utilized duplicating services. We had evidence placed before us that we will see an increase of 5 per cent in providing the necessary government financing for these projects that we did not have before, so that even further due diligence can be done as we go through the regulatory process. That also will be streamlined. It will be streamlined so that there is discipline built into this process.

There is also the duty to consult with our Aboriginal peoples and First Nations. It is very clearly stated that money has been set aside. Millions of dollars have been set aside for that purpose.

Steps are being taken in respect to looking ahead and to setting the agenda so we can enjoy the prosperity we should get from these projects if we allow them to go ahead.

I have listened to the senator from Alberta talk about social licence, and I agree. As we have said before, we need social licence, and we are moving in that direction.

The other area that the Leader of the Opposition spoke of was the chill on charities.

• (1800)

I would submit if anyone brought a chill to the charities it was the side opposite. Not one senator on this side talked about hospitals. We talked about the fact that there was unidentified, untraced money coming into this country getting involved in public policy. The side opposite was not worried about that, honourable senators, and I wonder why. Honourable senators need to ask themselves why they were not concerned when they saw the multi-millions of dollars that were coming into this country. To all intents and purposes, Canadians did not know what was happening, and now they know.

I, for one, am very pleased to see that the government has listened, consulted and brought forward the necessary changes to ensure that Canadians will know when there is offshore money coming into this country for the purposes of affecting public policy. We will know who they are and what they are doing instead of their being wrapped in the Canadian flag.

Some Hon. Senators: Hear, hear.

Senator Lang: Honourable senators, I also want to bring in a bit about what is happening back home, because I think it is pertinent and I would like to hear what other senators are experiencing in their regions of the country. We are fortunate in our part of the country that we have had a low tax regime implemented for a number of years. Our government has welcomed investments into this country. Never before in past years have we experienced the low rate of unemployment we now have in our part of the country. Canadians are moving into Yukon from other parts of this country. They are making their home in Yukon, and we are pleased to welcome them there, but we are able to welcome them there because we have jobs, and jobs means new people coming to our territory, as well as our local people getting jobs and raising their families.

We have had significant, multi-millions of dollars come in via investments from China and the United States for the purposes of our mining community. The end result is long-term jobs for our local people and for Canadians.

I want to speak for a minute about what some call the Dutch disease. The reality of it is that all these developments are bringing other Canadians into our region of the country, but it is also buying goods and services, whether from Ontario, Alberta or British Columbia. This is good for the country, honourable senators, and that is the result of a budget and an agenda that are calling for a low-tax, sound investment policy for investors to come into this country.

I would now speak to the trade agreements that the present government is negotiating. We have concluded I believe nine trade agreements in the last year to two years. We have been negotiating with over 50 countries for the purposes of trade so we can diversify our trade around the world and not totally rely on our good neighbour the United States of America. The end result, honourable senators, is more jobs for Canadians.

I had the opportunity to go to Taiwan. I led the delegation with the House of Commons, not unlike senators across the floor have done in the past. I was amazed to go to that small island, that small country, and see that there are 23 million people there and that Canada's trade is just under \$7 billion. It has increased almost \$1.5 billion in the past year, and that means jobs for Canadians. That is just a small example of the diversification of our trade agreements around this country. If we are successful in negotiating and coming to a conclusion, we will find out what it will mean not just for Canadians but also for the Taiwanese because they get the benefit of our trade, whether it be coal, potash, uranium or any other commodity, as well as the intellectual property, and by that I mean the transfer of students from Taiwan into Canada. The figure brought to us was 13,000 students come to Canada from Taiwan every year to attend our various academic institutions. You can imagine what

an industry that is and what that does for Canadians in our universities and for our communities throughout Canada as they come and learn their skills, and in most cases go back to where they have come from.

I raise that as a point because, until you see it, you do not necessarily believe it. I am pleased that I had the opportunity to go for a week and actually see how we can be affected by another small country with a lot of similarities to Canada and how jobs are created and how our economy reaps the benefits of those types of exchanges.

From my perspective, the agenda that has been put forward in Bill C-38, that has been fully debated, hour after hour, day after day, month after month, is the product of consultation across this country in numerous ways. At the end of the day, with the passage of this bill, time will tell the success. I am looking forward to honourable senators' support.

Hon. Percy E. Downe: I wonder if the honourable senator would take a question.

The Hon. the Speaker: Is the honourable senator asking for five minutes?

Senator Downe: Yes, please.

The honourable senator may or may not know the answer to this, but I know when the Minister of Finance came to consult in Prince Edward Island the invitations were restricted and it was an invited session; in other words, it was not open to the public. Does the honourable senator know if it was the same across Canada?

Senator Lang: I think the honourable senator should clarify the record. My understanding is the chambers of commerce, the various organizations in a particular region or city or community were contacted and representatives were made available to do a round table. I know it was open in our part of the country. I am sure it was open in the honourable senator's region and he probably has misinformation.

Senator Downe: I understood that a number of people who wanted to make presentations to the Minister of Finance were not allowed to because they were not invited to the session, and in fact it was a closed session.

I am interested in the honourable senator's comments about consulting with Canadians. After the minister wrote seeking comments, I wrote suggesting that the government, in this budget, follow the example of the United Kingdom or the United States. Both countries have refused to cut their Department of Veterans Affairs budget because they wanted to have the highest possible service for the veterans, their families and dependants. I wrote to the Minister of Finance. Unfortunately, when the budget came out, I was very disappointed to see that Veterans Affairs was slashed, in some cases more than other departments, with 400 to 500 employees gone and services to veterans and their families decreasing over the coming years. I hear already from veterans that they are waiting longer and longer to receive services from the department; regional offices are closing across the country, and veterans have to travel further.

Was the purpose of the consultation simply to say there was consultation, or did the minister actually intend to listen to any Canadians, other than what he intended to do already?

Senator Lang: I would start by saying that from the point of view of the Department of Veterans Affairs, I am proud to be part of a government that has supported the veterans like they have over the past six years. I know the honourable senator cannot argue with me. The increase that has gone into that budget compared to other departments is substantial. I do not have the numbers before me, but we are talking multi-millions of dollars. We are not talking a minimal 3 per cent or 4 per cent increase over the last six years.

From the point of view of commitment to the Armed Forces and to veterans, I do not believe this present government can be faulted. At least I can speak for my region because I know that we, as Canadians, are very proud of the fact that we have a government that has supported the Armed Forces and the veterans in the manner they have over the last number of years. As the honourable senator and everyone in this place knows, veterans in the past years were in many cases ignored. They have taken front and centre stage, and so they should.

There are small things in that budget. The Leader of the Opposition would not point this out, but what was, for example, brought to my attention — and I wrote a letter, not unlike my colleague — had to do with audits, which are quite boring. One never talks about them. An individual came to me who said, "I am on a board. It is X amount of dollars. We pay wages for three or four employees, yet our board has to be audited every year, costing us thousands of dollars. Why do we have to do that?" The honourable senator did not raise the possibility that we could refine how we did business. We have gathered a number of these boards together and now there is only one audit. Hundreds of thousands of dollars will be saved. That is a reasonable approach.

• (1810)

Yes, there was consultation. I know that the mining tax credit was a result of consultations in the mining communities in the Yukon, the Northwest Territories and Nunavut. The honourable senator may not think he was heard, and in some cases ideas may not have been incorporated in this budget, but I would recommend that he keep trying. If an idea makes sense, I have no doubt that the Minister of Finance would be happy to hear from him.

Hon. Grant Mitchell: Honourable senators, I want to congratulate my colleague Senator Lang for his efforts this afternoon in debating the budget in the sense that he is a really good soldier and presents the line very forcefully and with much enthusiasm. However, he must be related to Pollyanna. He may not be an uncle, but he must at least be a distant relation to Pollyanna, because so much of what he is saying does not ring true, although it is very optimistic and positive and I am sure he believes it.

He talked a lot about consultation with Canadians.

Senator Lang: On a point of order, I thought I was going to be asked a question.

The Hon. the Speaker: Senator Mitchell is on debate.

Senator Mitchell: I will try to answer some of the questions the senator raised.

On consultation, I asked myself when the last time is that Prime Minister Harper consulted with an ordinary Canadian. You need a pass to get into one of his meetings. I do not see that he is in the streets or sitting down talking to Canadians. When it comes to consulting with levels of government with which he should be consulting, collaborating, building consensus and developing the advantages of team, what do we see? I remember last January when the Prime Minister was asked, on a talk show in Calgary, what he thought of Premier Redford's initiative to create a national energy strategy. He threw her under the bus and said, "I don't know what she's talking about."

If the Prime Minister of this country is touting that he consults broadly, you would think he would just pick up the phone and ask Premier Redford what she is talking about. However, that did not happen. In fact, because of the relationship that many of the MPs here have with the Wildrose Party in Alberta, that level of consultation has probably been jeopardized to some extent. That was underlined by the recent missive that Minister Kenney sent to the Deputy Premier of Alberta to make the point that he did not have time to have lunch with the guy.

How could it be that this government could think that it consults broadly when the Prime Minister's senior minister will not have lunch with the deputy premier of the most significant energy province in the country at a time when energy and climate change are touted by this government as the economic future of the country? As if that is not enough, he goes out of his way to insult him.

That brings me to another question. How can this country ever be run in a collaborative way that builds upon synergies, teamwork and bringing people together when, in the six years that this Prime Minister has been Prime Minister, he has had a single first ministers' meeting of about two and a half hours on a Friday night? How could he ever begin to build the kind of teamwork, synergies, cooperation and collaboration that can take advantage of all the resources, virtual and actual, and all of the possibilities, potential and energy from all the jurisdictions across this country?

You cannot do it by yourself, Mr. Harper. You cannot exclude yourself from all of those processes and expect that we will do as well as possible. You have to work with other people.

I was struck by the fact that the Prime Minister is having so much trouble getting that book on hockey out. Then it dawned on me that maybe it is the part about team that is so difficult for him to write. I do not want to be provocative and belabour that point.

I want to ask a couple of rhetorical questions that I have asked before. The first is: Why does anyone believe that Conservatives can run an economy or manage a budget when all of the evidence is to the contrary? We have a record deficit of \$56 billion. I will grant you that this year it seems to have come down, although we have not seen the final number. In the last month of the fiscal year we had a \$9 billion deficit. It is almost incomprehensible that you

could say "fiscally responsible government" and "record deficits" in the same breath, but that is what this government wants to try to say. They have reduced the deficit to \$30 billion. It is informative to realize that the \$30 billion is exactly equal to the amount they have cut in annual taxes.

I could go on. There has been a 25 per cent increase in unemployment. Our debt-to-GDP ratio, I think, places us in the bottom half of the OECD nations. Our deficit ratio puts us in the middle third of OECD nations. None of the statistics support the idea that somehow this government can run an economy, and certainly none of this supports that this government can somehow balance a budget. I believe that they will never balance a budget, and I will itemize some of the reasons why.

If you want to run an economy in the 21st century, particularly an energy economy, you have to come to grips with climate change because the world is disturbed about that, and the world is getting options. They do not necessarily have to buy our gas. The U.S. will probably not be buying our gas in 20 years because they have their own. We need to find and forge new markets to sell our products. The only way to do that is to get social licence, and no one will give social licence to a jurisdiction that clearly is not doing anything about climate change. You have to prove that you are doing something. Whether you think climate change is a scientific fact or not, the world thinks it is, and the world is very concerned about it and they are sending us a message. In Europe they are sending us a message with their fuel quality directives. They are sending us a message with Keystone. They are sending us a message with Gateway to some extent. We have to build social licence, and the government cannot do it by doing what it is doing.

Senator Eaton is nattering away there. I would like to remind her that one of the most unfathomable things you can do is to attack U.S. environmental groups that are instrumental in holding up Keystone. It is not only U.S. environmental groups that are instrumental in holding up Keystone; very powerful economic interests, like coal interests, are instrumental in this as well. In fact, they are probably the ones that have the real power to hold it up. They latch on to attacks on Canada by environmental groups and say that Canada has no responsibility on the environment, so why would we let them run projects across our country that would damage or risk our environment.

You have to get credibility. I know it is subtle and nuanced. I know it is not A equals B equals C, so it takes some doing, but the world is not what it appears to be to this Conservative government. You have to step back and do something about climate change and about building credibility. If you do not do something about climate change, you cannot even do what you want to do. Also, if you do not do something about climate change, you are missing all of the economic opportunities to build a 21st century economy, and someone else, some other country, some other peoples, will get those benefits.

I fear that the Conservatives are so stuck in the past in many ways that they cannot see the possibilities of the future; they cannot imagine what the future might be, and they cannot lead this country to get us there.

The second reason I have no confidence whatsoever — and this is symbolic but also substantive — in the government's ability to manage budgets and the economy is Bill C-10, the crime agenda. It will cost huge sums of money that we cannot afford. We have a \$30-billion deficit and you will put billions of dollars into prisons that we do not need and that will damage people irreparably and not fix the problem, which is getting fixed quite adequately through existing policies without burning this kind of expenditure on our budget.

• (1820)

The third thing that really unsettles me when it comes to any sense that this government can manage an economy — and, again, it is subtle — is that they go to the obvious. They think that somehow economics are numbers, that they are numbers of dollars and amounts of investment, and so on. Certainly that is part of it, but economies are people, and they are driven by people. People need to be optimistic if they are going to work hard when hired by a firm or if they are going to invest and take risks. The fact is that this government has spent a great deal of time over the last six years unnerving people. They attack people who disagree with them. That does not stimulate creativity or a sense of optimism. It erodes people's confidence. They are cutting the social safety net. Again, that does not give people a sense of security or strength so that they will take risks and work harder. To the contrary, it erodes their ability to do these things that are fundamentally important to the strength of an economy.

The subtext of the government's EI policy is that, somehow, certain people in certain areas are really lazy. Well, that stimulates a commitment to working harder. The fact is that it is unnerving to people; it does not inspire people. They discriminate in certain ways against certain kinds of immigrants and certain kinds of refugees who have immigrant links in Canada. That is very unsettling. They attack, in many respects, health care and begin to unsettle people in that regard.

Honourable senators, we have upwards of 25 per cent youth unemployment; there is nothing here that will inspire those young people and build those young people and give them a chance to get their lives started in a productive economic way. My point is that it is not just about numbers and it is not just about trade agreements. It is fundamentally about people. One has to inspire people and give them optimism. The government cannot make people afraid all the time of so many different things and expect that that will stimulate an economy.

The fourth thing is that in this day and age, science is fundamentally important to the way that economies will evolve. With our base of a well-educated population, at least to this point, we could have some advantage in that regard. However, again, this government has taken a direct assault on science in many ways. They do not believe in the science of climate change — they absolutely do not believe it. That is indicative and colours, I think, their view of many other scientific initiatives, like the Experimental Lakes Area.

A leading scientist in Canada said that some countries have particle accelerators, which are pretty sophisticated; Canada has the Experimental Lakes Area — \$2 million per year. Senator Cowan outlined clearly the advantages of that and the cost of shutting it down. There is an example of where science can make

us leaders in the world, build jobs for highly educated people, help us to diminish the environmental impacts of major projects, and so on.

When I start to assess what this government is actually doing, I get no confidence whatsoever. They can call this budget whatever they want to call it — the creating jobs for the future budget, or the making money for everyone budget, or whatever they want to call it — but it is just spin. When you get right down to it, they are not doing the fundamental things that need to be done to build an economy of the future. If they think they will speed up these projects, and if they think the projects will save the economy, they are dead wrong. More and more evidence is coming out that the Gateway pipeline is probably stalled because the social licence has not been achieved. It will not be the environmental process that holds that up. It will probably be the Aboriginal peoples who will hold that up because they are not prepared to give social licence to people who simply have not built up the credibility to deserve it.

Before I sit down, I would like to mention that my share, if you will, of the amendments that we have put up — that is, with respect to fisheries — is an amendment that will strengthen the protection of habitat, which has been eroded in Bill C-38. We have an amendment included as well to the provision to provide, once again, for the status of moderate livelihood with respect to Aboriginal peoples' activities in fisheries. That has been summarily excluded. It is a very important feature of the way that Aboriginal peoples utilize and have been allowed to utilize fisheries. It is a fundamental feature of the law of this land because it was defined clearly by the Supreme Court in 1999. Summarily, it has been cut out. If you think that is not going to create delays in projects — it absolutely will create delays in projects.

The final thing, and I will close with this, is a second rhetorical question that I need to ask: Where has this right-wing ideology ever worked? Name one place where it works to the advantage of people and of economies.

Could I have five more minutes or two more?

Hon. Senators: Agreed.

An Hon. Senator: Two.

Senator Mitchell: I know: two or five; it will not make any difference. I cannot seem to convince you.

Where does this ideology work? If it is not based in science, and it is not, if it is not based in practical, pragmatic expenditure, as the previous expenditure would indicate it is not, then where in the world does it work? Show me. Show me where a successful right-wing government has existed and created a successful right-wing economy and a successful right-wing society. I do not think it does because it does not take stock of what people really need to be inspired, how people really need to be supported and the role of government as an extension of our working with our neighbours in complex societies where simply charities, which are excellent and are needed — although not everyone on that side agrees — cannot do it all because it is complex and some people will just fall through the cracks.

Governments have a role. Let us not forget that. Let us not forget that one of the reasons that Canada is what it is today or was six years ago was because, over most of that period of time it, was well governed and government had a role to play in catalyzing, working with, coordinating, collaborating and bringing the best out in Canadians and working with other governments — all these things that now are seeming quite novel because they have been so forgotten by this government.

I would like to close by saying that there are a couple of other real gaps here. One is veterans. Veterans' families, I think, have been excluded from the health support for veterans. The fact is that more and more we are seeing reports from veterans returning with PTSD who are not getting support. The government is putting \$28 million into the veterans of the War of 1812, but last time I checked they are way past PTSD. They do not need the support. We should be taking that money to help the people today who need our help. That is a tremendous gap in this budget.

Finally — and this will come as a surprise to you — there is one thing I will say that is positive about this omnibus bill, and that is that it did not include the Senate reforms bills. You would think if that were the priority that the government says it is, they would have jammed that into Bill C-38 and jammed it through. Of course, the Prime Minister is the last person on the face of the earth who wants an elected Senate because it will take power away from him, period. In fact, the right-wing think tanks in Alberta are now starting to say, "We do not need an elected Senate. We do not need that kind of Senate reform." I just want to give credit where credit is due. They neglected to put that in here. If they really cared about it, Senator Brown, that would have been number one in Bill C-38 and you would be voting on it this afternoon and your dream would have come true.

Hon. Bert Brown: I will love this one.

Honourable senators, I will quote the second thoughts of an environmentalist and how they affect page 31 of the omnibus bill, Bill C-38, respecting Canada's environment act.

• (1830)

Professor Fritz Vahrenholt is one of the fathers of Germany's environmental movement and a director of RWE Innogy, one of Europe's largest renewable energy companies. Last Wednesday he delivered the 3rd Global Warming Foundation Annual Lecture to the Royal Society, London. He said:

Scientists of the Intergovernmental Panel on Climate Change (IPCC) are quite certain: by using fossil fuels man is currently destroying the climate and our future. We have one last chance, we are told: quickly renounce modern industrial society — painfully but for a good cause.

For many years, I was an active supporter of the IPCC and its CO₂ theory. Recent experience with the UN's climate panel, however, forced me to reassess my position. In February 2010, I was invited as a reviewer for the IPCC report on renewable energy. I realised that the drafting of the report was done in anything but a scientific manner. The report was littered with errors and a member of Greenpeace edited the final version. These developments shocked me. I thought, if such things can happen in this report, then they might happen in other IPCC reports too.

Good practice requires double-checking the facts. After all, geoscientists have checked the pre-industrial climate, over the past 10,000 years: this isolates natural climate drivers. According to the IPCC, natural factors hardly play any role in today's climate so we would expect a rather flat and boring climate history.

Far from it: real, hard data from ice cores, dripstones, tree rings and ocean or lake sediment cores reveal significant temperature changes of more than 1°C, with warm and cold phases alternating in a 1,000-year cycle. These include the Minoan Warm Period 3,000 years ago and a Roman Warm Period 2,000 years ago. During the Medieval Warm Phase around 1,000 years ago, Greenland was colonised and grapes for wine grew in England. The Little Ice Age lasted from the 15th to the 19th century. All these fluctuations occurred before man made CO₂.

Based on climate reconstructions from North Atlantic deep-sea sediment cores, Professor Gerard Bond discovered that the millennial-scale climate cycles ran largely parallel to solar cycles, including the Eddy Cycle which is — guess what — 1,000 years long. So it is really the Sun that shaped the temperature roller-coaster of the past 10,000 years.

But then coal, oil and gas arrived: from the 1850s onwards, Man pumped large amounts of carbon dioxide into the atmosphere and the CO₂ level today stands at 0.039%, compared to 0.028% previously.

With our empirically proven natural pre-industrial pattern, however, we would predict that solar activity had risen since 1850, more or less in parallel with an increase in temperatures. Indeed, both timing and amount of warming of nearly 1°C fit nicely into this natural scheme. The solar magnetic field more than doubled over the past 100 years.

Remember, there are three climate parameters that go up at the same time: solar activity, CO₂ and temperature. Modern climate is likely to be driven by both anthropogenic and natural processes, so CO₂ will undoubtedly have contributed to the warming, but the question is just how much?

Yet the IPCC's computer models consider the solar-forcing as negligible, requiring an unknown amplifying mechanism to explain the observed temperature variations. A promising model is proposed by the Danish physicist Henrik Svensmark but is still under research.

Whether this mechanism is understood or not, the IPCC's current climate models cannot explain the climate history of the past 10,000 years. But if these models fail so dramatically in the past, how can they help to predict the future?

Furthermore, what is little known is that CO₂ also requires a strong amplifier if it were to aggressively shape future climate as envisaged by the IPCC. CO₂ alone, without so-called feedbacks, would only generate a moderate warming of 1.1°C and per CO₂ doubling. The IPCC assume in their models that there are strong amplification

processes, including water vapour and cloud effects which, however, are also still poorly understood, like solar amplification. These are the shaky foundations for the IPCC's alarming prognoses of a temperature rise of up to 4.5°C for a doubling of CO₂.

In the last 10 years the solar magnetic field dropped to one of its lowest levels in the last 150 years, indicating lower intensity in the decades ahead. This may have contributed to the halt in global warming and is likely to continue for a while, until it may resume gradually around 2030/2040. Based on the past natural climate pattern, we should expect that by 2100 temperatures will not have risen more than 1°C, significantly less than proposed by the IPCC.

Climate catastrophe would have been called off in and the fear of a dangerously overheated planet would go down in history as a classic science error. Rather than being largely settled, there are more and more open climate questions which need to be addressed in an impartial and open-minded way.

Firstly, we need comprehensive research on the underestimated role of natural climate drivers. Secondly, the likely warming pause over the coming decades gives us time to convert our energy supply in a planned and sustainable way, without the massive poverty currently planned.

In the U.K. and Germany, for example, power-station closures and huge expenditure for backup of volatile wind or solar energy or harmful ethanol production will raise energy prices massively and even threaten power cuts: the economic cost will be crippling, all driven by fear.

We now have time for rational decarbonising. This may be achieved by cost-improved and competitive renewable technologies at the best European sites, through higher energy efficiency and by improving the use of conventional fossil energy.

The choice is no longer between global warming catastrophe and economic growth but between economic catastrophe and climate sense.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, before sharing my thoughts on the budget with you, I would like to remind the Senate of certain facts — not propaganda — about the Liberal government's last three budgets.

In 2003, Canada enjoyed a \$9.1 billion surplus; in 2004, a \$1.5 billion surplus; and in 2005, a \$13.2 billion surplus. I am talking about the facts, the reality and responsible people who managed the country's affairs.

Let us now look at the last three budgets of the Conservative Party. In 2009, Canada was running a \$55.6 billion deficit; in 2010, a \$40.5 billion deficit; and in 2011, when we did a little better, a \$29.6 billion deficit. All of that is to say, honourable

senators, that Canada now has a national debt totalling \$586 billion. Before this bill is passed, it is important to understand the direction Canada is heading in and what the current trend is. I think these numbers give us something to think about: the difference between a responsible government and one that does not know where it is headed.

• (1840)

It might also be worthwhile to point out the real title of the bill: An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

The part I have a problem with is the "and other measures." As my colleagues mentioned, this bill amends 70 laws. It is 425 pages long and contains 753 clauses that require close inspection. The government would have us believe that this bill is about jobs, growth and prosperity.

I will show how the government's lack of transparency, lack of integrity, and lack of consultation and collaboration with the provinces and the people are threatening Canada's national unity, economic future and international reputation.

I believe that Bill C-38 is a virulent attack on provincial jurisdiction. Consider employment insurance. For all intents and purposes, the government is introducing subjective rules about suitable employment and what workers will be required to do. Of course, this will not typically affect workers earning \$100,000 or more per year. During my speech, I will refer to conversations I have had with Canadians who have shared their concerns with us.

On June 23, Rick Mehta wrote to me — he may have written to all honourable senators — to say:

[English]

I am deeply concerned about the effects this bill will have on people by raising the age to qualify for Old Age Security. . . . any changes that further degrade income will limit the ability of these people to contribute to a healthy economy and will lead to decreased prosperity for the majority of Canadians.

[Translation]

Throughout this debate, people have contacted us to tell us what they think. I think it is our duty to listen to them.

Jean-Marc Fournier, Quebec's Minister of Justice and Attorney General, mentioned another attack in a letter he sent to the Minister of Finance on April 19, after the budget was tabled. This is what he said:

We know that the purpose of this measure cannot be to deprive our government of its ability to apply to businesses governed by this act the consumer protection rules that come out of the laws under our jurisdiction. Nor can the purpose be to deprive people of their right to take action against a bank, in accordance with the civil laws in force in Quebec.

[Senator Brown]

He went on to say:

... Parliament cannot decide in a peremptory manner that provincial laws do not apply to a given sector.

I will share an excerpt from the minister's response:

The legislative and regulatory standards that apply to banking must be exclusive and national so that the Canadian banking system functions effectively. Just as federal consumer protection standards applicable to banking do not apply to Caisses Desjardins du Québec and financial institutions . . .

When we amended the Bank Act in 1995, banks were placed in an area of provincial jurisdiction called the securities sector. Not too long ago, I believe, the Supreme Court issued a ruling on the civil nature of the securities sector by rejecting the creation of a federal securities commission. You cannot do indirectly what cannot be done directly. Right now, when an individual does business with his bank and purchases shares through the subsidiary that handles brokerage, if there is a mistake, if the transaction goes wrong and the person was misinformed — this often happens with people of a certain age, who are careful with their money, but the person receiving these funds often does not honour their requests — if there is a conflict, the Quebec minister says that this is Quebec's jurisdiction and Quebec will protect consumers.

As far as I am concerned, I believe that, in this case, jurisdiction over banks cannot be expanded. That is why I support our amendment to delete this clause in its entirety.

There is also interference in another area of provincial jurisdiction. It is all well and good to tell people that they can to go the United States for 48 hours, spend \$800 and not pay customs duties. The problem is that if the \$800 were spent in the Maritimes — or anywhere else in Canada, except Alberta — the province would collect sales tax. In this case, the provinces will be deprived of millions of dollars in sales tax revenue. I have not seen any indication that the federal government intends to compensate the provinces for this loss, nor that the provinces were consulted about this measure.

Another attack on provincial jurisdictions concerns old age pensions and the increase in the eligibility age from 65 to 67. Low-income earners who expect to receive an old age pension and the guaranteed income supplement will have to wait an additional two years and go on social assistance, because people who do manual labour or domestic work often no longer have the strength or physical ability to continue working in later years. I would add that not only were the provinces not consulted, but all experts agree that this measure makes no sense.

As for health care funding, that was obviously a unilateral decision. There were no negotiations with the provinces, thank you very much. As for major health issues such as mental health, which is supposedly the top priority, there were no discussions about specific problems. In this case, I am referring to savings, because I am talking about billions of dollars in lost productivity every year because people are sick.

Next, I would like to speak about the Fisheries Act. The last I heard, the Quebec fisheries minister was going to talk to the New Brunswick fisheries minister and they were going to come to an agreement on how to proceed. I thought that minimum standards and the management of the fisheries fell under federal jurisdiction since it is absolutely impossible to apply multiple laws when fish know no boundaries. The last I heard, the existing legislation was working fine. This sector is being left for the provinces to look after; I refer to the criticisms that my colleagues made earlier.

This budget implementation bill is also an attack on human rights. I do not need to tell you that the representatives of the Public Service Alliance of Canada are opposed to removing the requirement for federal contractors to comply with the Employment Equity Act. The reason is simple: there are groups that have trouble finding jobs and whose unemployment rate is higher. We need to implement measures and, most of all, we need to set an example. We set an example by requiring a company with over 100 employees that wins a contract worth \$200,000 or more to have an employment equity plan in place to ensure equal rights for Aboriginal people, visible minorities, persons with disabilities and women.

There is no reason to repeal that provision. We are being assured that this will be done contractually. To me, it is not a matter of deciding whether to grant these people that right or not or whether to grant them the same rights as other workers. I think that it is important that everyone be treated equally and that, when there is an inequality in the system, it is up to the government to correct it. That is why governments exist.

With regard to human rights, there are two issues affecting Aboriginal people: First Nations land management and the First Nations Statistical Institute. We did not hear Aboriginal representatives say that extensive consultations were conducted in either of these cases. With regard to the First Nations Statistical Institute, we are referring to all the organizations, such as Statistics Canada, that describe the reality in Canada. The First Nations, more than any other Canadians, need to have accurate data to ensure that there are policies that serve interests we can discuss with First Nations groups based on objective figures. The government is simply going to do away with this institute.

• (1850)

There is also the elimination of the International Centre for Human Rights and Democratic Development. We are certainly aware — no one more than I, coming from Quebec — that the centre has had operational challenges and personnel and leadership problems. However, it is inappropriate to abolish an International Centre for Human Rights in a budget, without discussing the matter with all the stakeholders and without ensuring that there is an organization in place to take over the centre's mandate.

The only person who will be compensated is the president, and he was a friend of the Conservative Party. He will leave with a tidy sum, while all the other board members will simply be sent home, which will save the government a few lousy pennies. When we look at the billions of dollars of deficit, we can see that we are going to make up the shortfall by closing centres in this way.

The prerogatives of Parliament are also under attack. My colleagues talked about this, journalists talked about this, and even young people wrote to us about this. They told us that our role was to listen to them, to hear them. I spent hours listening to witnesses make excellent proposals, which we could have discussed, but all my colleagues know that there was no room for discussing, let alone improving this bill.

Something else I fail to understand is the fact that the Office of the Superintendent of Financial Institutions is being tasked with overseeing CMHC. This is being billed as a protective measure for good governance. However, there is a conflict of interest because there will be two deputy ministers sitting on the board of directors. If the deputy ministers in question make mistakes, I suspect they will have to report to their minister or their department. Who will have the final say? The Office of the Superintendent of Financial Institutions? The President of the Treasury Board? The Minister of Finance? This not only makes no sense, but there are two organizations in Canada that have dealings with the private sector, with businesses: Export Development Canada and the Business Development Bank of Canada.

Oddly enough, in the case of one of these organizations, a bank, the Superintendent of Financial Institutions will not have oversight of its administration. If there was some logic to this bill, either all three or none of these institutions would be included. With respect to CMHC, we are very aware that it dominates the market, but it played a truly strategic and fundamental role during the 2008-09 economic crisis. Through the CMHC, the government rebalanced the finances of our major Canadian banks and, with the financial support of the U.S. and Canada, almost \$100 billion in mortgages were bought by the governments in order to provide the banks with the liquidity they needed to sustain the Canadian economy.

It cannot be said that CMHC is poorly managed.

[English]

The Hon. the Speaker *pro tempore*: Is the honourable senator asking for more time?

Senator Hervieux-Payette: Yes.

The Hon. the Speaker *pro tempore*: Honourable senators, is more time granted?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Five minutes is granted.

[Translation]

Senator Hervieux-Payette: I will continue by saying that my colleagues spoke about charitable organizations, but I want to speak about someone who is highly respected in Quebec, Steven Guilbeault of Équiterre. He said:

... the government is giving itself immense powers. The Canada Revenue Agency will be able to suspend an organization's charitable status if there is the slightest

suspicion of non-compliance. It seems to me that the last time I checked we were still living in a country where the rule of law prevails.

If Mr. Guilbeault, one of the most respected people in Quebec, questions the approach of Bill C-38 when it comes to charitable organizations, I must say that we should pay attention and set some guidelines to ensure that there are no abuses.

Several other acts are covered by the bill and have nothing to do with the budget, such as the Corrections and Conditional Release Act, the Food and Drugs Act, the Seeds Act, the Health of Animals Act and the Immigration and Refugee Protection Act. There is no way I could ever justify this to Canadians as a budget implementation bill. These matters must be examined independently with experts in each field.

Who could forget the damage that has been done to Canada's reputation on the world stage; this is fundamental. The elimination of the Kyoto Protocol Implementation Act, the drastic changes to the entire environmental assessment process and amendments to the Canadian Environmental Protection Act are all part of this measure, not to mention the abolition of the National Round Table on the Environment and the Economy, whose independent experts recently stated that Canada is not likely to reach its 2020 greenhouse gas emissions reduction target.

Caroline Hébert wrote:

[English]

My greatest concern is that the world does not know of our Canadian human rights failures among our First Nations.

[Translation]

Later, she states:

[English]

Canada wants to sell you its oil and gas but won't trade its principles along with it.

[Translation]

She mentioned Mr. Harper.

Obviously, we completely agree that we should not be ruled by market forces. I think we have a right to manage our resources in a responsible manner, but the measures in this bill do not make us appear very responsible.

In closing, I would like to quote David Saints, who says:

[English]

We need to change our habits; we need to innovate; we need to create more sustainability and inclusiveness; we need to achieve a balanced economic system; and we need to remain optimistic, lucid, principled and responsible. Bill C-38 appears to promote the exact opposite. Please do not let this happen to our country.

[Senator Hervieux-Payette]

That is what a Canadian citizen is begging us to do, a Canadian who votes at every election, is responsible and has been paying attention to our budget.

Ms. Karen Janigan says:

As senators, you have a duty to uphold your oath when you became a senator and do what is right for Canada above all else. Please exercise your power and stop this travesty of a bill.

[Translation]

Like me and all of our colleagues, she is concerned that we have not been able to do our job properly, that we have been swamped with too many pieces of legislation in this one bill, that Canadians will not be well served by this process, and that it makes a mockery of our democracy.

I call on all honourable senators, Liberals and Conservatives alike, to vote against this bill.

[English]

Hon. Nicole Eaton: Honourable senators, it is with a great deal of pleasure that I rise today to discuss ways in which our government is delivering for Canadians through Bill C-38. I would like to begin by highlighting some economic results.

Between July 2009 and May 2012, over 760,000 net new jobs have been created, 90 per cent of which are full-time jobs, the result of the strongest job growth rate in all G7 countries during the recovery.

While Canadians can be proud of their country's economic performance, we recognize that the global recovery remains fragile. Our government certainly recognizes that the job is not done; there are still many Canadians looking for work, and we need to continue to build the foundation for long-term success.

In short, Canada is not immune to the possibility of future global economic challenges. That is why we are staying focused on a plan to make Canada's economy stronger for today and tomorrow, with prudent growth initiatives and responsible spending of taxpayer dollars. We call that plan delivered through Bill C-38 *Economic Action Plan 2012*. The plan stays squarely focused on what matters most to Canadians and their families: jobs and economic growth.

Some of the key initiatives that are doing just that include renewing the hiring credit for small business, which directly supports hiring by the businesses at the heart of our economy; continuing to expand free trade to open markets and help create more jobs; investing in education to help make sure our workforce is ready to take advantage of the jobs of today and tomorrow; protecting Canada's fiscal strength by delivering services more efficiently, creating savings to balance the budget over the medium term; and investing in innovation to help bring the good, high-skilled jobs of tomorrow to Canada.

These are just some of the ways our Conservative government is keeping Canada's economic recovery on track. Our government's Economic Action Plan, a plan for jobs, growth, and long-term

prosperity, builds on Canada's successes by implementing moderate restraint in government spending. The majority of savings will come from eliminating waste and duplication in internal government operations and, by doing this, we will be able to stay on track to balance Canada's budget over the medium term.

• (1900)

I would like to be clear on two very important overall aspects of our plan. The first is that we are not raising taxes. That is a reckless idea that only opposition parties like to advocate.

I could easily go on and on about all the fantastic benefits contained in Bill C-38. However, my time is limited and I would like to focus on two provisions near and dear to my heart.

Before I do, I wish to address misleading comments made by several colleagues across the aisle.

During debate on Bill C-38, they distorted the purpose of the inquiry that I launched into the transparency and accountability of charities, and they blatantly misrepresented the one-sentence question that I posed during my interview on CBC's *As It Happens*. My question was simple: Why is the United Church boycotting Israel?

Several members opposite have themselves questioned the behaviour of the United Church. Is it not true that Senators Munson, Cowan, Baker and Hubley are signatories of a letter to the moderator of the United Church of Canada registering concern that the "United Church will be considering a policy of boycott against the products of the Israeli settlements," and is it not true those senators further urged the moderator "to use her voice to speak out against these proposals"? Enough said. Now back to my train of thought.

The first has to do with a lifelong passion: arts and culture. Our government recognizes that the arts and culture sector is an important generator of jobs and growth. In challenging economic times, Canada's Economic Action Plan included investments in culture, such as periodicals and the audiovisual sector. The government also chose to increase funding for arts and culture by providing economic stimulus through additional cultural infrastructure spending. This government believes that supporting the arts is essential to supporting Canada's economy and quality of life and will maintain ongoing strong support for Canadian culture.

Bill C-38 also supports the arts by strengthening the Canada Travelling Exhibitions Indemnification Program. This program helps Canadian museums and art galleries reduce their insurance costs when hosting major exhibitions. To achieve this, the government proposes in Bill C-38 to raise the indemnification limit from \$1.5 billion to \$3 billion. This increased support will be complemented by a change to the calculation period and an increase in the maximum level of support for exhibition from \$450 million to \$600 million. These important modernization initiatives will help art galleries and museums attract more internationally acclaimed treasures to Canada.

Canadians are proud of their museums. Taken together, national and local museums and communities all across Canada are some of the best in the world.

In fact, our government created two national museums: the Canadian Museum of Immigration, Pier 21 in Halifax, and the Canadian Museum for Human Rights in Winnipeg.

Canadians value museums, the stories they tell, the collections they house and the roles they play in preserving our culture. Because of this, Bill C-38 will continue funding Canada's national museums.

For over 50 years, the Canada Council for the Arts has been a leading supporter of Canadian artists. The government has increased funding for the Canada Council to its highest funding level ever.

Honourable senators, every one of us recognizes what a positive impact the change to the indemnification limit will have on Canada's arts and culture sector. This is one of the provisions in Bill C-38 that received unanimous consent during clause-by-clause consideration by the Standing Senate Committee on National Finance.

My second point has to do with a lifelong commitment: charity. The Government of Canada provides registered charities with generous assistance under the tax system in recognition of the valuable work they perform. As all honourable senators know, registered charities are exempt from tax on their income and may issue official donation receipts for gifts received. In turn, donors can use these receipts to reduce their taxes by claiming a charitable donations tax credit for individuals, or charitable donation tax deductions for corporations.

In 2011, federal tax assistance for the charitable sector was approximately \$2.9 billion. At the request of the government, the other place is studying current and proposed incentives for charitable giving to ensure that the tax incentives are as effective as possible.

Canadians have shown that they are willing to donate generously to support charities, but want to be assured that charities are using their resources appropriately. In this regard, charities are required by law to operate exclusively for charitable purposes and to donate their resources exclusively to charitable activities. Given their unique perspectives and expertise, it is broadly recognized that charities make a valuable contribution to the development of public policy in Canada. Accordingly, under the Income Tax Act, charities may devote a limited amount of their resources to non-partisan political activities that are related to their charitable purpose.

On February 28, 2012, I launched an inquiry with many of my colleagues into the involvement of foreign foundations in Canada's domestic affairs. During the course of that inquiry, concerns were raised that some charities may not be respecting the rules regarding political activities.

There have also been calls for greater public transparency related to the public activities of charities, including the extent to which they may be funded by foreign sources. The Canada Revenue Agency, CRA, as the administrator of the tax system, is responsible for ensuring that charities follow the rules. Accordingly, to enhance charities' compliance with the rules

with respect to political activities, Bill C-38 proposes that the CRA enhance its education and compliance activities with respect to political activities by charities and improve transparency by requiring charities to provide more information on their political activities, including the extent to which these are funded by foreign sources. These administrative changes will cost \$5 million in 2012 and \$3 million in 2013-14.

This bill also amends the Income Tax Act to restrict the extent to which charities may fund the political activities of other qualified donees and to introduce new sanctions for charities that exceed the limits on political activities or that fail to provide complete and accurate information in relation to any aspect of their annual return. In an Angus Reid poll conducted mere days after the budget was tabled, 80 per cent of those asked agreed with these clauses that would make charities more transparent and accountable.

Our plan is one that is praised across the country. For example, the Canadian Federation of Independent Business praised the extension of the hiring credit for small business, stating:

...extending this credit makes it easier for them to continue to support Canada's economy recovery by creating jobs.

The Association of Universities and Colleges of Canada expressed support for our plan to increase research and innovation, while the Council of Ontario Universities praised our commitment to university research.

We are not getting help in passing legislation that is essential to keeping our communities safe or promoting job creation and economic growth — quite the opposite. The NDP, in particular, prefer obstruction and delay. They tried to block reasonable measures to put the rights of victims ahead of the rights of criminals. They oppose responsible development of Canada's natural resources, a key part of our economic success. They even go abroad on their very public, vocal, anti-jobs and anti-Canadian junkets. Very shameful.

From calls for a moratorium on oil sands development to attempts at pitting region against region, Thomas Mulcair and the NDP have become a major threat to Canada's economy, to our job creation and to our unity.

• (1910)

In fact, for all their talk, the NDP even voted against our measures to support seniors, measures including pension income-splitting, increasing the age credit and even the GIS top-up. Instead the NDP advocates job-killing taxes and reckless, out-of-control spending. Their policies would threaten the recovery and damage our long-term fiscal strength by driving us deeper into deficit just as we are on track to balance the budget.

Regardless, our Conservative government will keep working to overcome opposition obstruction and implement our low-tax plan to sustain economic growth and support Canadian families. We are focused on what matters most: jobs, growth and long-term prosperity.

Honourable senators, Bill C-38 is delivering results. By international comparison, Canada is doing well in creating jobs, but there is much more to be done to help ensure our country stays on track. I am confident our government's plan is the right one for Canadians today, tomorrow, and from coast to coast to coast. That is why I am proudly supporting Bill C-38 and encourage everyone in this chamber to join me in voting to pass this important legislation.

The Hon. the Speaker *pro tempore*: Honourable Senator Eaton, will you accept a question?

Senator Eaton: Yes.

Hon. Terry M. Mercer: I will go back to the honourable senator's attacks on charities and their activities in the public. I have had some experience working for charities, only about 35 years of it.

Senator Eaton: You are a little older than I am.

Senator Mercer: I have a little difficulty understanding the honourable senator's definition of "lobbying."

Let us go back to the time I was Executive Director of the Kidney Foundation of Canada. Our job was to take care of patient services, provide money for medical research and to conduct public education. Conducting public education was conducting education of all the public, including the governments of the day.

At that time, in the province of Nova Scotia, organ donor cards were not attached to drivers' licences. We heard today that our colleague Senator Poy gave the gift of life to her son by donating one of her kidneys. What a magical moment that is for her family, for her son and for the rest of us to understand how important it is. I have had the privilege of knowing dozens and dozens of kidney patients who have received kidneys.

The Kidney Foundation recognized this problem and there were not enough people signing donor cards.

The Hon. the Speaker *pro tempore*: Finish your question, please.

Senator Mercer: What did we do? We spent a good deal of time and energy lobbying the government. The Kidney Foundation did that in province after province across the country, to have the organ donor cards attached to drivers' licences, and then lobbied government to conduct campaigns to urge Canadians to sign organ donor cards to help save the lives of thousands of Canadians. Is the honourable senator telling us today that this lobbying should not be part of their charitable work?

The Hon. the Speaker *pro tempore*: Before the honourable senator responds, her time is up. Is she asking this chamber for more time? Is more time granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: You have five minutes.

Senator Eaton: I thank the honourable senator for the question. The Kidney Foundation of Canada does wonderful work. There is no question about that. No one is questioning the Kidney

Foundation. What all this will do is make all the activities that the Kidney Foundation of Canada engages in more transparent, so when I go online I can see exactly what the foundation is up to. The honourable senator is such an open person himself, I cannot believe he would have difficulty with transparency. That is all this bill is asking for and all the CRA will enforce.

Senator Mercer: If one asks the CRA officials, who have spent a long time working with the charitable sector in determining what is needed in reporting, both for CRA purposes and from the charity's side, the CRA has been doing a good job. I am not one who is critical of the CRA. They have the ability today to police the sector in detail and they have indeed imposed penalties where people have strayed.

Let me provide one more example, and the honourable senator will tell me if this should be a problem. The Canadian Diabetes Association lobbied the Government of Canada — I watched them do it — diligently, lobbied all members of Parliament and all senators at the time, to get the government to commit to a major diabetes effort across the country, particularly in Aboriginal communities. Guess what? The government of the day — Mr. Martin was Prime Minister — said that it was a good idea because it would save millions of dollars in the future by cutting down the cost of health care.

It saved millions of dollars and probably saved thousands of lives. Is the honourable senator telling us that that lobbying should not have happened?

Senator Eaton: The honourable senator is using the same example and I will give the same answer. Thank God for those charities in Canada. We have a better and stronger community because of them.

The CRA is doing a very good job, but they needed more money to enforce and check. I think the more transparency we have in political funding, the more transparency we have in charitable funding, the better. I do not know why there is such drama over the — excuse me, Senator Cordy. Ask your question.

I do not know what the problem is with transparency. Do you see a problem? I do not think the Canadian Diabetes Association or the Kidney Foundation of Canada will have any trouble with transparency.

Hon. Art Eggleton: I have a straightforward question. The honourable senator laid out a case for the openness and transparency of charities. She talks about political activity. Where does she draw the line between political activity and social advocacy? Perhaps the Kidney Foundation of Canada would want to advocate on behalf of a number of these organizations, and it may mean they are sending representation to government.

In terms of political activity, is she talking about partisan activity or what exactly is she referring to?

Senator Eaton: It is a straightforward answer. I am not in the job of enforcing it. The CRA is.

Senator Eggleton: What does the honourable senator mean by it?

Senator Eaton: They will decide, and that is why they have more money. They will decide what crosses the line and what does not. It is not for me to say, sitting here in the Senate.

Senator Eggleton: The honourable senator has accused people of being un-Canadian and suggested that people who oppose the pipeline —

Senator Eaton: Who have I accused of being un-Canadian?

Senator Eggleton: The people who oppose the pipeline, because they are environmental groups that feel that is the wrong way to go. Is that what she is calling political activity?

Senator Eaton: First, I have never accused anyone of being un-Canadian. It is amusing, one has to admit.

Since the budget came out, and all this money was put in the budget to enforce, a lot of foundations have changed their websites and their tune. Tides Canada came out yesterday with, "We will be transparent." It is amazing how people are scrambling to be transparent. That is all we are asking for.

It is not up to me to decide who is being political and who is not. That is for the CRA. That is the CRA's job.

The Hon. the Speaker *pro tempore*: Further debate?

Senator Eggleton: I have a couple of follow-up comments to Senator Eaton's presentation. She was talking about things that she feels passionate about. I understand that and appreciate her remarks.

I must say, in connection with the arts and culture comments, one of the things that I find about this government is what it gives with one hand and takes away with the other. There may be some increases. She points out that the Canada Council for the Arts is at the highest level ever. If one adds inflation, every year one could say that everything is the highest level ever. That does not tell us anything. The one hand does take away, the CBC being an example of that particular case. One has to be leery about the kind of things this government supports because it does cut an awful lot of other things as well.

• (1920)

About the question of charities, there is no doubt that some comments have sent a chill through the community. I do not see any problem with openness and transparency as long as we are also seeing it in the organizations that the honourable senator's party might have more support for, such as the gun control folks.

Senator Eaton: It applies to everyone.

Senator Eggleton: Yes, that is fine.

Let me get on to three aspects of this bill. First, the legislative process; second, Senator Ringuette's amendment; and third, the immigration issue that was before the Social Affairs Committee.

Honourable senators, we have heard a number of times, but I think it bears repeating once again, that the construction of Bill C-38 in its many, many parts is an abuse of parliamentary process and an abuse of power. It is simply not reasonable; it is not practical for reasonable debate on all of these issues, all in the confines of one bill.

We have had omnibus bills before. There is nothing new about them — either Liberal or Conservative, that is true — but there is nothing that compares in scope or scale to this bill that we have in front of us today. The bill is over 420 pages long, contains some 720 clauses, amends or repeals some 70 statutes, including major ones like Canada's environmental assessment laws and the laws that protect fish habitat. It dismantles the National Round Table on the Environment and the Economy, the National Council of Welfare that tries to help the poor people of this country, the Rights & Democracy organization, the Public Appointments Commission, the inspector general that acts as a check on CSIS, and the list goes on from there. It makes extensive changes to Canada's social safety net, including Employment Insurance and Old Age Security.

The government justification is that it is all related to the economy. I guess you could say just about everything we do in one way or another is related to the economy. Maybe they are heading down the path of having one bill every year, just this one bill that will have everything in it because it all relates to the economy. I hear Senator Wallin saying it is a good idea. I think it is a bad idea, and I hope that my colleagues opposite, when they talk to the Prime Minister, when they talk to their cabinet colleagues, when they talk in caucus will say, "Let us not do it this way again. Let us keep a budget bill down to what are reasonably budget issues and deal with everything else in separate legislation."

The Deputy Leader of the Government in the Senate, Senator Carignan, said earlier today that there had been a lot of discussion about these different parts of the bill in the committees. One thing I find strange, for a chamber of sober second thought, is that notwithstanding all the things that were said in the very limited time we had to hear from the public, not one of these things seems to find favour with any of the Conservatives in this chamber, not one. Did no one say anything worthy of an amendment? Did absolutely nothing come of that? Is this just a decision that it is the government all the way and that is the way it is, deaf ear to what people say, just support the government, stand up and support *en masse*? I think that makes a mockery out of the concept of sober second thought. What is sober second thought for if it is not to look at reasonable ideas and then try to make the kind of amendments that would make the legislation better?

Second, I will refer to three parts of the amendment Senator Ringuette put forward yesterday. I really have a hard time understanding why Old Age Security is in this bill at all when we have the Chief Actuary, other actuaries and the Parliamentary Budget Officer all saying that this is really not necessary. It does not take effect for a long period of time anyway, but it is really not necessary in terms of the public accounts of this country.

I am concerned how it will affect people. Many people probably will still want to work beyond 65. I guess most of us in here are doing that, and fine. I intend to work as long as I possibly can. I

will work until I drop, so that is fine. However, I am in reasonably good health, at least at this point — knock on wood — but many people are not. There are many physical labourers who, when they come up to age 65, cannot really go on any longer. Many of them also do not make a lot of money. For them, the pension plan and perhaps the GIS as well as the OAS — because you have to have the OAS to get the GIS; remember that — are a needed boost at age 65, yet I see nothing that talks about those people. There is just some assumption that people can work beyond 65 now because we are all in better health. That is not the case for all, and that is the problem and what concerns me most of all about these people affected by this provision of Old Age Security. I support the amendment provision that says we should delete that clause.

Another one is the EI changes. New formulas are coming out. You have so long to look for a suitable job, and if you do not, then the next few weeks after that you get even less. I cannot remember all the schedules. I have not got them in front of me, but honourable senators know what I am talking about. It all seems to be based on the phrases “suitable work” and “suitable employment.”

The problem is these are not defined by the government, yet the devil is in the details. That is a very important element, and the amendment in this case says that the minister should be accountable to Parliament for that, not just the minister making the decision on his own. We are giving these ministers a lot of discretion to make decisions without any reference to Parliament. This should go to Parliament, and therefore, the amendment is to the effect that there be wider scrutiny and accountability and oversight by Parliament on the definition of “suitable employment,” and that definition should be submitted to both houses of Parliament for examination of impact and potential legal issues.

One further amendment is on immigration. This thing called “ministerial instructions” first came about in the budget bill of 2008. The minister — I think it is the same minister, Minister Kenney — has used it four times. This is beginning to accumulate. An awful lot of decision making about Canada’s immigration system is being done by ministerial instruction, which again is not reportable to Parliament. There is no oversight by the Parliament of Canada. That is wrong. This amendment, which particularly relates to a further ministerial instruction provision in Bill C-38, suggests the need for parliamentary oversight so that both houses of Parliament can examine for the impact and potential legal issues involved in any particular ministerial instruction.

The one particularly in Bill C-38 has to do with the fact that minister will now be able to set new categories, new subcategories, of skilled worker immigrants. He has a quota on each category, but there is no quota as to the number of categories. This could expand into something big, and I think we need more parliamentary oversight, more opportunity for sober second thought. What is Parliament if it is not able to provide that kind of oversight in either one of our houses? I think it is important that we do that.

Finally, let me talk further about immigration in the context hearings of the Standing Senate Committee on Social Affairs, Science and Technology. We heard a number of representations,

which are also being ignored, on temporary foreign workers. That is getting into quite a jumbled mess. We have a relaxing of the rules and oversight with respect to temporary foreign workers. Employers used to have to advertise for five days on the Canada Job Bank website. Things are being relaxed in that regard, and fewer will be subject to compliance review, all by audit.

• (1930)

Some of the witnesses also pointed out that the regulation changes that allow for temporary foreign workers to be paid 15 per cent less than the regional average wage will mean a huge advantage for non-unionized employers and will drive wages down. Concerns have been raised about the impact of all of that.

Conflicting with that is the attempt by the minister responsible for Employment Insurance to get more Canadians to take some of these jobs. We will have to keep a very close eye on that and see what happens.

The one that I want to finish with is most regrettable for Canada and Canada’s reputation in the world, and that is the deletion of the backlog of the federal skilled worker applicants. There are approximately 100,000 of them, and when you add their families in it affects some 300,000 people. These are people who have followed the rules and are now being told, “Sorry, we are no longer processing your applications. You can come back and file another application, but we have new rules in different categories. You can go back to the starting line again if you qualify.”

I do not think that helps Canada’s reputation for fairness. Canada has been considered to be a fair and just country, following rules and laws. Now we are suddenly saying that we are throwing this out. This will damage our reputation. People will say that Canada tells you to apply and then throws your application out and changes the rules.

In fairness, many of these people have waited many years to have their application processed. They put their lives on hold. Many of them put their education; their employment or getting married on hold because they thought they would be examined by the rules under which they applied. Now, suddenly, their hopes are dashed and they are told that their application is no longer being processed.

There is no need to do this, honourable senators. For people who apply under the new rules, the government is saying that it will take about three months, if that, to process applications. If they can do that, they can also put enough resources into getting this backlog dealt with in a fair and just way. This will probably be challenged in the courts as being contrary to law, but we will see what happens. To me, it is not so much the legal question as the question of reputation and our integrity in the immigration field. It is a question of fairness to these people.

In summary, I recognize that there are good points about the budget bill. In fact, some of us noted a couple of them in the committee. One is called the Canadian immigration integration project. It provides a free two-day seminar on integration, job search, and foreign credential recognition. That is a good program, and I commend the minister for that. We think it should be expanded, as should attempts to support immigration in countries —

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired.

Senator Eggleton: May I have five more minutes?

The Hon. the Speaker *pro tempore*: Is more time granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: You have five more minutes.

Senator Eggleton: Thank you.

There are good things in this budget but, unfortunately, it is badly flawed by other things. Everything but the kitchen sink is in here. It really should not be that way, and I hope that senators opposite will try to ensure that next time we do not get a monster omnibus bill steamrolled through the House of Commons and then through the Senate.

Hon. Michael Duffy: Honourable senators, I am proud to stand here tonight and support Bill C-38, a roadmap to Canada's future prosperity. This forward-looking budget was prepared under the brilliant leadership of Prime Minister Stephen Harper and the Minister of Finance, Jim Flaherty. Canadians are fortunate to have this outstanding team at the helm during these difficult economic times.

Tonight and over the past few days we have heard a lot of weeping and moaning from the opposition. One is constantly amazed by their vast reservoir of synthetic indignation and crocodile tears. Perhaps nowhere has there been more obfuscation and confabulation than on the issue of American-based political action groups. Some of these groups have an agenda designed to stifle Canada's economic growth while keeping us under the thumb of huge American corporations. The true agenda of these groups was exposed to Canadians by independent researcher Vivian Krause of Vancouver. Just this week, in a piece in the *National Post*, she shed new light on the interlocking relations among these powerful and unaccountable groups.

One of the most important of these groups is Tides Canada, a subsidiary of the U.S. Tides Foundation. In her op-ed piece Ms. Krause asked: Why did the Tides Foundation of the United States found Tides Canada? Tides USA is a co-founder and co-funder of the Rockefeller Brothers Tar Sands Campaign — Standard Oil of New Jersey, anyone — the first goal of which is to stop or limit pipeline and refinery expansions. However, of all the hundreds of pipelines in North America, the only pipelines the Rockefellers single out in their multimillion-dollar campaign are the Mackenzie Valley and the Enbridge Northern Gateway, pipelines that would export Canadian energy. The Rockefeller brothers also seek to ban oil tanker traffic, but again they only oppose oil tankers on the strategic coast of British Columbia and in the Far North, those exports bound to Asia.

The Rockefeller Brothers Tar Sands Campaign involves the following: the World Wildlife Fund, the Pembina Institute, Greenpeace, the Sierra Club, the Natural Resources Defense Council, the Indigenous Environmental Network and other environmental groups funded through Tides USA. The annual

budget for this campaign against Canadian oil is \$7 million. These groups say they would stop pipelines and tanker traffic by, in their own words, "raising the negatives"; "raising the costs"; "slowing down and stopping infrastructure development"; and "enrolling key decision-makers" in their campaign against Canada.

In tax filings, Tides USA has reported to the United States Internal Revenue Service that Tides Canada and Endswell Foundation are related. To repeat, Tides Canada and another group called Endswell Foundation in Vancouver are related. Indeed, for many years all three organizations had Drummond Pike and Joel Solomon at the helm. Pike is the founder of Tides USA and was CEO for 34 years until he stepped down in 2010. Pike has been on the board of Tides Canada since 2000 and he is its founding chair.

Joel Solomon is the former chair of Tides USA, and the vice-chair of Tides Canada. Pike and Solomon are also, at the same time, Endswell's long-time chair and president respectively.

• (1940)

During the 1990s, Endswell was the largest funder of environmental groups in B.C. Between 2003 and 2009, Endswell made grants totalling \$8.7 million, and of that, 99 per cent went to Tides Canada. Given that the senior leadership of Tides Canada and Endswell is the same, these organizations are, in effect, two pockets in the same pair of pants. They have simply been transferring money from one pocket to the other.

For more than 10 years, the treasurer of Tides Canada and Endswell was the same person, James Morrissey, a senior accountant at Ernst & Young. One would think that it would have been fairly straightforward for Endswell to grant funds to Tides Canada, but here is the interesting part. Why, then, did Endswell need to spend \$11.4 million on overhead between 2003 and 2009 so that Endswell could grant \$8.7 million to Tides Canada?

Some honourable senators got upset when someone used the phrase "money laundering," so I will not use that phrase tonight. However, I would say that there is a lot to be looked at here. Our friends opposite would do well to read some of the research on this important issue.

Senator Mockler: Standing up for Canada.

Senator Duffy: Let me ask you this: Why did Endswell's annual overhead nearly triple from \$797,000 to \$2.2 million even though Endswell itself did not make a single grant to any organization other than its cousin, Tides Canada? For several years in a row, Endswell's overhead exceeded grants.

Senator Mercer knows about the charitable sector, but when an organization's overhead is more than what it is doing for charity, would you endorse that, Senator Mercer? I doubt it.

Senator Mockler: I will not.

An Hon. Senator: Way to go, Senator Mockler!

Senator Carignan: What a surprise.

Senator Duffy: Endswell's assets over that same period of time went from \$26 million down to \$196,000. Where did the money go? Did Endswell transfer assets to Tides Canada? If not, where did it go?

An Hon. Senator: It leaked out.

Senator Duffy: Why does Tides Canada focus so much of its grant making —

Senator Mercer: They are —

An Hon. Senator: Polluting the airwaves.

Senator Duffy: Careful, senator; we may start checking the *Bluenose* next.

Why does Tides Canada focus so much of its grant making on the north coast of B.C., Canada's strategic gateway to Asia? According to Ms. Krause's analysis and calculations based on Tides Canada's American tax returns, during 2008, 2009 and 2010 Tides Canada made grants to 236 organizations for a total of \$56 million. Of that, \$28 million went to First Nations on the north coast of B.C., \$8 million went to environmental groups and \$12.5 million was for Tides Canada's internal projects, most of which are on B.C.'s north coast. Only \$7 million, 12 per cent of the \$56 million that Tides Canada granted between 2008 and 2010, went to organizations outside of a core group of B.C. First Nations, environmental groups and internal projects.

As far as one can tell, Tides Canada has funded no group that supports the Enbridge pipeline. All of the First Nations and environment groups funded by Tides Canada — guess what? — got the cash, and they are opposed to the pipeline.

It would be interesting to know what Tides Canada defines as "charity" and how it provides a measurable benefit to the public, which is what charities are supposed to do, to support campaigns that block trade and let the U.S. keep Canada literally over a barrel.

Honourable senators, there is a real need for transparency in the operations of these so-called charities. It is not just on the West Coast. As the *Halifax Chronicle-Herald* declared in an editorial this week in relation to another case, which I am sure will become more in the news over the next few months, "Open the books," let the sunshine in, let Canadians know who is trying to stifle economic growth, using their concern about the environment to camouflage their real agenda.

We need this budget for Canada's economic future, and we need transparency among charities so that the bad apples do not undermine the credibility of the many, many thousands of great charities.

Some Hon. Senators: Hear, hear!

Senator Duffy: Let the sun shine in.

The Hon. the Speaker pro tempore: Honourable Senator Duffy, will you accept a question?

Senator Duffy: Sure.

Senator Mercer: You had a good go at Tides Canada, but you failed to mention other American charities that are operating in Canada. How about the Koch brothers or the Koch Foundation, the founders and funders of the Tea Party in the United States, who are huge donors to the Fraser Institute, a Canadian charity known for its right-wing attitude, for its right-wing positions and for its support of the pipelines that you are talking about. What about the Koch brothers and the Koch Foundation?

Senator Duffy: Senator Mercer, it applies to everyone. Let the sun shine in.

Senator Eggleton: A lot of the advertisements about what is going on in the oil sands these days come from the Canadian Association of Petroleum Producers, but the members of that association are largely foreign-owned. Is that not the case? Should they not get the same kind of treatment that you are giving to the charities?

Senator Duffy: I am sorry; I missed part of Senator Eggleton's question. However, if the question is whether commercial operations the same as charities, they do not pretend —

Senator Eggleton: On the one hand you are saying how un-Canadian the other efforts are, the opposition efforts are, but on the other hand the people who are proponents are foreign-owned corporations. China, for example, one of the big coming owners, also has trade relations with Iran, which are not exactly favourable to Canadian policy either.

Senator Duffy: I am glad, senator, to see you come out in support of ethical oil.

An Hon. Senator: Hear, hear!

Hon. Jane Cordy: Senator Duffy certainly gave a lengthy speech about charities, but that is not all that the budget contains. It is over 400 pages and it affects over 70 acts.

Being a senator from Prince Edward Island, how do you feel about the changes to EI that are contained in this budget and that will affect a number of people in your province of Prince Edward Island?

Senator Duffy: The changes in there are national and affect the whole country. Prince Edward Island will be in no way damaged or affected any differently than any other part of the country. Prince Edward Islanders are hard-working, honest people who are willing and able to adapt to changing times.

Senator Cordy: I certainly agree with you that all Canadians are hard-working people. Yet the aspects of the EI legislation within this omnibus so-called budget bill are very punitive for people who are in seasonal industries.

One of the changes coming about because of this budget bill is that the appeal panel, the board of referees, will be gone. They will be replaced so that instead of having boards of referees in every province or in every region of every province, three-person appeal boards made up of an employer representative, an

employee representative and a government representative will now be replaced by one government representative to hear appeals. That will be 37 people in Ottawa dealing with all the appeals from across the country. In addition to that, if one's appeal fails with this one individual, this one political appointment, then there is no further appeal because the umpire position has been removed.

• (1950)

How will the people of your province feel about having little or no appeal, and the appeal will not be made face-to-face but will be made to someone in Ottawa?

Senator Duffy: I thank the honourable senator for the question. One of the really damaging things that goes on in our region of the country is the fear-mongering by members opposite. The member for Cardigan is an old friend of mine, but you can tell when an election is coming. He runs around Prince Edward Island saying they are going to cancel the ferry. Guess what happens? They do not cancel the ferry, and then he says, "Oh, they did not cancel it because I spoke up." Recently, when he raised this canard, the Minister of Transport reported that the member for Cardigan had never written a letter to Ottawa making representations.

I will take your representations tonight and pass them on to the minister, where I am sure they will get the consideration they deserve.

The Hon. the Speaker pro tempore: Honourable Senator Duffy, your time has expired. Are you asking for more time? No.

Is there further debate?

Hon. Roméo Antonius Dallaire: I am not going to talk until all this babbling stops and it had better not count against my time.

Some Hon. Senators: Oh, oh.

Senator Dallaire: I find it rather interesting that we were talking about charities and a budget, and we end up again in ethical oil. I always find that interesting because that seems to be the fallback position of ethical oil.

When I was in Los Angeles, at the University of Southern California, I met with a prominent industrialist who produces steel and is in the oil industry. He told me that he is building a lot of the infrastructure in Saskatchewan and Alberta using American steel. That steel is refined there, made there and brought up and sold in Canada because it is cheaper for him to do that in the United States than actually buying Canadian steel because, of course, Hamilton steel works have gone absolutely bust.

This man also said that the pipes they will be using are also being made in the United States. Some are even being made in Thailand and will be brought over in order to feed our requirements for piping because, again, it is cheaper than having pipes made in Canada.

He also added that oil that is going down there will be refined in new refineries he is building in Illinois and not in Canada. He will refine it in Illinois to meet his requirements. They are getting all these significant aspects of refining capability while we are just pumping out oil.

Another argument comes in, and that is the actual ethical dimension of this oil. I find it interesting that in east end Montreal, where there used to be seven oil refineries, there is now only one. The oil refineries in east end Montreal, Quebec City and the Maritimes are fed by oil coming from Venezuela and the Arab states — unethical oil that we are buying from them to feed our oil refineries in Canada, although we have less, so we are also buying refined fuels from the United States. However, we are buying this unethical oil to feed the eastern part of the country.

Honourable senators, the argument I raised here before is why are we on one side of the country ready to sell ethical oil, and on the other side of the country we are prepared to buy unethical oil to feed our requirements? The answer was that it is just not good business to build a pipeline from Western Canada to Eastern Canada. Because it is not good business, we accept and tolerate that we will sell our ethical oil to the Americans and you on the eastern side can buy unethical oil.

I am not too sure whether we are *bicéphale* in our philosophy of how we can handle the ethics of that argument, but that is not even the essence of why I rise to speak. It was just a response because I lived in the middle of the fourth largest petrochemical city in North America. That petrochemical industry has disappeared in Eastern Canada totally, yet there are more cars now than there used to be. Therefore, something is not working in the process of Canada actually gaining the benefits of all the oil we are producing in this great country.

[Translation]

Bill C-38 is a perversion of our democratic structure and our system of governance and accountability to Canadians.

This bill contains 420 pages, 720 clauses and 70 bills, many of them amendments. We have had very little time to study this bill. I believe that this situation gives us good reason to seriously doubt the value of our monthly paycheques. Are we moving toward processes that force us to meet deadlines and surrender to an utterly perverse legislative system?

Honourable senators, I am concerned about three aspects in particular. The first is changes to the RCMP health program. Henceforth, they will no longer have access to a nation-wide health system, like the Armed Forces, and will have to rely on the provinces. Since they are regularly transferred from one end of the country to the other, they will constantly have to transfer from one system to another. This situation will have a negative impact on their operational capabilities. The federal government will reduce its costs, but the provinces will once again have to pick up the tab.

The second aspect I am concerned about is the elimination of the position of Inspector General of the Canadian Security Intelligence Service. In the military system, there is a body that answers to parliamentarians and Canadians to ensure that information produced by public servants is transparent. This is essential to insure against a police state. The position was cut for financial reasons. Many people have told us that this is one of the biggest mistakes in terms of transparency and oversight by parliamentarians and even the minister.

The third aspect I am concerned about is the fact that the government is eroding the bridge between veterans and National Defence, which we have been working to build for the past 15 years. The government says that it wants to eliminate overlap, but overlap is intentional in everything from the joint support unit to co-locating veterans' and National Defence entities.

[English]

An overlap would guarantee that a veteran who is serving and leaves the service does not fall into the abyss like we faced 15 years ago. We have been spending years to build that bridge. Now this legislation is essentially articulating that we have to keep these two entities separate and we do not want to overlap. More and more, the possibility of the veterans falling down the cracks will reappear.

I am one of those who has been thinking for a long time that in order to solve this problem, maybe Veterans Affairs Canada — because we are co-locating and trying to integrate or at least align the services between National Defence and Veterans Affairs — should be simply a branch of National Defence from cradle to grave. Instead of having this entity that is out there with all its overhead, why not have one body take care of things from cradle to grave? No one will fall through the cracks. They get the same leadership, the same follow-through and, incidentally, maybe an understanding of exactly what it means to be an injured veteran in this country.

We did not touch that in this bill, but I thought that if the government was supposed to be progressive, wanted to save money and wanted to prevent overlap, that would have been a significant option to be considered.

• (2000)

However, I have a greater concern, which is this omnibus bill. To respond to that, I thought I would touch base with a foremost constitutional expert who served in the Senate from 1970 to 1979, someone legendary for his sharp wit and quick retort, which we do not have too much of around here, and his distinctive view of Canadian society, Eugene Forsey.

... Forsey brought deep research, high principle and irascible tenacity to the cause of constitutional democracy, justice, and equality for all.

I thought I would quote something out of a book that was recently published on him. It is aimed at the concept of this omnibus bill, Bill C-38, and how it has perverted us all and put us all in an ethical dilemma of actually agreeing to go through a rapid, accelerated process of reviewing all those bills that we know should have gone individually — or a few together but mostly individually — through the appropriate system of governance of our country. We are now simply working our way through it in haste, which I consider to be an unethical position in regard to our responsibility.

Eugene Forsey was a constitutionalist, someone who believed that those eminent rules which govern our political processes and which by practice and by text have

been in place over time must be known, respected, and followed. The alternative to ordered politics is a kind of lurching opportunism that, in time, will destroy political stability and, possibly, the political nation that is Canada.

It goes on:

Not only was Eugene Forsey a committed constitutionalist, he was both brilliant and outspoken in defending the rules by which we are governed. Although strongly committed to progressive politics, his deepest political commitments were not to a party or program, but to constitutional order. A policy can certainly make short-sighted choices and pursue badly mistaken ideas in seeking good social arrangements; but, in time, democracy is likely to provide the necessary corrections. This is only possible, however, if the established mechanisms are maintained and kept free of manipulation. Forsey's primary loyalty, therefore, was not to faction but to values and principles — the ones that uphold constitutional order.

I will end with the following:

But his perfect legacy is the body of letters, comments, and articles he wrote throughout his career to constantly remind us that the enduring value of our democratic political heritage depends on our continued understanding of it and our fidelity to it.

That means, "Do not fiddle with the books."

I will conclude:

... Eugene Forsey's project was, at heart, a conservative one. ... The structures, practices, and restraints that grow up around political power reflect the goals and values that make that power not only tolerable but necessary in the modern age of liberty. Decisions of convenience and efficiency often drive us backwards into the dark and dangerous state. Canada's political society is organic and comes from specific needs and contexts which reflect our basic core values. When we seek to solve challenges or promote political advantage through the detachment of constitutional rules, we risk losing the state's essential and fundamental connection to legitimacy and history. Forsey's type of conservatism fosters the political conditions that allow politics and public policies that are bold, reformist, innovative and above all, responsive to our changing needs.

He stated:

From his seat in the Red Chamber, he spoke and voted in favour of Aboriginal rights and limits on the power of bureaucrats. He supported affirmative action measures for women and native people in public service, and pressed for protection of linguistic minorities.

I end with this:

He questioned the government's prohibition on political advocacy by charitable organizations, urging that such groups be allowed to "engage in petitions or peaceful

demonstrations on behalf of . . . people who they feel are being oppressed," without risking the loss of their charitable status.

Honourable senators, I think we still have a lot to learn to make this place really work according to the dignity, rules and responsibilities that we have in this Red Chamber. Moving this project, Bill C-38, is a perversion of that process. It is too fast and too huge. It is not studied, and it is not meeting the criteria of the fundamental methodologies that we have in ensuring that the Canadian people get the laws and legislation they deserve in order for them to progress and to take full advantage of the hope this nation provides them.

I not only vote against it because of certain elements within it and amendments we are trying to push through; I vote against it because it is absolutely wrong. You are fiddling with the books, you are fiddling with the process and, in the end, it will bite you on the back side.

Hon. Percy Mockler: Would the honourable senator take a question?

[Translation]

Senator Dallaire: I almost feel like saying no, but your colleague has left. So I will say yes.

[English]

The Hon. the Speaker pro tempore: Before the question is posed, Honourable Senator Dallaire's speaking time is up. If he takes a question, will he ask for more time to respond to the question?

Senator Dallaire: I would appreciate that opportunity.

The Hon. the Speaker pro tempore: Is more time granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Five minutes.

Senator Mockler: Honourable senators, I would be tempted to ask the Honourable Senator Dallaire, for whom I have a lot of respect, to define for me and for Canadians who are listening to us tonight what is meant by ethical oil and unethical oil. However, I will not ask that. I will not go there.

Bill C-38 is basically a bill that will continue to create jobs for all Canadians from coast to coast to coast.

Senator Cordy: Except those who have pink slips.

Senator Mockler: The Liberal Party in the other house is the third party, but here they are the second party. They cannot cherry pick. They have to look at Bill C-38 globally and what it will do coast to coast to coast for all Canadians, regardless of where we live, whether in Alberta, Montreal, New Brunswick, Nova Scotia or Quebec.

Some Hon. Senators: Hear, hear.

Senator Mockler: I want to read something, and then I will ask a question. It says:

In a country where gravitational forces often move north and south, this ribbon of steel —

He is talking about the railroad.

— has helped knit the country together both symbolically and economically.

Senator Mercer, believe you me, I will tell you who said that.

Then he says:

. . . East Coast access is particularly promising.

He goes on to talk about the oil sands in Alberta and the oil going north/south and it that should come down east. He says:

Finally, this pipeline could do away with the old debates pitting one region against another. Each region would be a winner. Each region would be a link in a strategic value chain. Each region would deliver tangible benefits to the betterment of the entire country.

The author of this article is Frank McKenna, Deputy Chair of the Toronto Dominion Bank of Canada, former New Brunswick premier.

The Liberal party cannot cherry pick.

• (2010)

Does the honourable senator support Mr. McKenna or not?

Senator Dallaire: Honourable senators, Mr. McKenna, who had a brilliant political career in the honourable senator's province, has opted to make money. There is nothing wrong with that. However, he has opted out of the political process, so I will opt out of my opinion of him in that process.

With regard to the steel line among all provinces of Canada, I like that. The honourable senator is right; we built that railroad and it was a steel line. In fact, if we thought a little further beyond 2017, why not build a TGV, a fast train, across the country? It is only an engineering problem. That would be a second steel road.

Maybe the steel road I am talking about, to which I think the honourable senator was alluding, is the one in the pipe. Build that pipe from out West to down East, and do not tell me that it cannot be done because it is not economically viable and that we in the East are to accept unethical oil coming from the same argument of countries that are dictatorships.

My last point with regard to Bill C-38 will be very short. I wrote it down so as not to make a mistake: The ends do not justify the means. Bill C-38 does not justify the means of trying to achieve what the honourable senator was articulating about jobs, through a process that I would consider to be a perversion of our responsibility to do the appropriate process of analysis and ultimate decision-making and modification.

[Senator Dallaire]

Senator Mockler: In conclusion, I can assure the honourable senator that I will send his blues to Mr. McKenna.

Senator Dallaire: I would only say that he and I did some fundraising together for a charitable organization.

The Hon. the Speaker *pro tempore*: Is there any further debate, honourable senators?

[Translation]

Hon. Larry W. Smith: Honourable senators, I am delighted to rise today to speak to the government's budget implementation bill, Bill C-38, the Jobs, Growth and Long-term Prosperity Act.

[English]

Canadians have entrusted our government with a vision not only for short-term growth and prosperity, but, as the bill states, it is for the long run. This bill is able to meet the challenging demands and fix the many issues that face us today. Whether it means rejuvenating, modernizing or revamping the many acts that are entailed in this ominous bill, it will have a positive and long-lasting effect on Canada.

These proposals create conditions for a better economy with long-term growth, but we must ensure that this period of long-term growth is sustainable. We know that some of our social programs are going to cost more in the future, such as the Old Age Security pension. We will ensure its sustainability by making changes now so that the stream of revenue does not dry up in the coming years and collapse the system. We are investing in this growth and we are making certain that we continue to keep the government books balanced, as well.

Honourable senators, this enactment, when brought in, will apply income tax changes and other related measures that will help Canada. Among the many measures, it will expand the list of eligible expenses under the Medical Expense Tax Credit to include blood coagulation monitors and their disposable peripherals. It will also introduce a temporary measure to allow certain family members to open a Registered Disability Savings Plan for an adult individual.

This bill will also expand the list of GST/HST zero-rated medical and assistive devices, as well as a list of GST/HST zero-rated non-prescription drugs that are used to treat life-threatening diseases. It will also exempt certain pharmacists' professional services from GST/HST, other than prescription drug dispensing services that are already zero-rated. We are trying to make life better and more affordable for Canadians who do not need another worry during their time of need.

[Translation]

This new legislation also amends the Income Tax Act consequential on the implementation of the Marketing Freedom for Grain Farmers Act. In particular, it extends the tax deferral allowed to farmers in a designated area who produce listed grains.

[English]

I have been in the grains industry for nine years and I can tell honourable senators that the majority of Western farmers are really quite excited about the abolishment of the Wheat Board.

On top of this, this bill will also provide further authority to the Canada Revenue Agency to issue demands to file a return via online notice or regular mail. I do not believe Canadians appreciate tax evaders. This enactment will also amend the penalty for promoters of charitable donation tax shelters who file false registration information and will introduce a new penalty to tax shelter promoters who fail to respond to a demand to file an information return or who file an information return that contains false or misleading sales information.

[Translation]

Canada is a generous nation, but we do not support profiteers. We offer tax breaks for noble causes, but not for individual, personal gain or for programs based on personal attacks. That is why we are limiting the period for which a tax shelter identification number is valid to one calendar year and modifying the rules for registering certain foreign charitable organizations as qualified donees.

[English]

Our country must embrace change rapidly if we expect to maintain our high standard of living. One of the major expanding sectors in Canada is telecommunications. We have seen many changes over the last few years, but there need to be more changes, and these will be made through amendments to this bill.

They include putting forward changes in both the Investment Canada Act and the Telecommunications Act. These changes will promote investment and innovation, and will also strengthen the financial security of Canadians. We need to ensure that a proper regulatory framework is put in place to encourage both investment and competition, and to allow Canadians to have access to high-speed broadband networks and innovative wireless services at competitive prices.

Our government will not only reform foreign investment restrictions for telecommunications, but we will also release the upcoming 700-megahertz and 2,500-megahertz spectrum options into the market. We are trying to keep one step ahead to keep Canadians happy. We will also improve and extend the policy on roaming and tower-sharing to continue competition and slow the growth of new cellphone towers.

The Conservative government encourages greater competition in consumer choice for telecommunications. The Telecommunications Act amendments would lift the present foreign investment restrictions for telecom companies when they hold less than a 10 per cent share of the total Canadian telecommunications market. This would allow access to capital for the companies that need it most.

With all the job positions out there, we still see that nearly one quarter of a million jobs are left unfilled here. We truly need to connect Canadians to those vacant jobs, connecting Canadians where they can find work. We need greater efficiency with our Employment Insurance program, and this is what we are doing.

[Translation]

We want to make Canada a more productive country, one that will not hire foreign workers before giving our local workers the opportunity to take advantage of job prospects.

This is not because we do not want any foreign workers in our country, but why should we bring in workers from outside our borders only to then force them to contribute to employment insurance payments or social assistance for Canadian citizens?

[English]

Once we connect Canadians to the jobs they want, it will allow Canada to take the next steps in helping our economy to move even faster with people from abroad. We are continuing to work with our provincial and territorial counterparts and other stakeholders to further support improvements to foreign credential recognition and to identify our future target occupations.

By working pragmatically to improve the Temporary Foreign Worker Program, we will help support our economic recovery and growth by better aligning this program with our labour market demands. This is definitely a win-win scenario for our country and also for foreign workers who want to work here in Canada.

We have received praise for our policies and for the direction we are taking in our country by such international organizations as the IMF and the OECD. We are doing something right, but we must not let our economic guard down since these are times that prove to be most unpredictable. We must continue to be focused and driven. Bill C-38 is one step in the right direction for maintaining our country's destiny.

We have seen this implementation bill go through the other side recently. After much consultation since last fall, and also much debate more recently, we can see the direction in which our country needs to be heading. We are not only concerned about economically driven motives; we are also looking at the future of our natural resources and the preservation of our country.

• (2020)

This enactment is also designed to help Canada maintain its natural wonders.

In Part 4 of this act, there is an amendment to the Parks Canada Agency Act that allows the Canadian government to enter into agreements with other ministries or bodies to assist in administering and enforcing legislation in places outside national parks, national historic sites, national marine conservation areas and other protected heritage areas. This is our country, and we must continue to maintain its rugged beauty for the future.

[Translation]

This bill is very important. We must pass it so that we can move forward with our vision, which is based on low taxes, job creation and sustainable growth.

[Senator Smith]

[English]

One of our government's priorities is to support jobs and growth in Canada's economy, and we are on the right track with Canada's Economic Action Plan. We are proposing sensible reforms for the betterment of all Canadians. I urge my colleagues here to not even hesitate on voting in support of Bill C-38.

As the deputy chair of the Finance Committee, I want to thank all members, and I know Senator Nancy Ruth did yesterday and Senator Day did the day before. It was outstanding work in terms of analyzing and pre-studying the legislation under tough circumstances. What was interesting coming out of that is that as long as people agree to disagree, I think that is fine, but most important, let us make sure if we do disagree, we do it with the civility and professionalism that are appropriate to this house.

Some Hon. Senators: Hear, hear.

Hon Elizabeth Hubley: Honourable senators, I rise today to speak to third reading of Bill C-38, an act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

Honourable senators, like with so many of the bills this government puts forward, we can learn a lot about Bill C-38 just from its title. As is so often the case, the substance of the bill actually has very little to do with its title. While the title of Bill C-38 implies that it is just a straightforward piece of budgetary implementation legislation, it is, in fact, an omnibus bill that has far-reaching consequences for everything from charities to immigration.

While the term "and other measures" may sound innocent and innocuous, more of a side dish than the main course, it is, in fact, a full buffet of sweeping legislative change. The "other measures" casually alluded to in the title of this bill are substantial and are of great concern to Canadians.

Honourable senators, it is precisely these "other measures" that are of concern to me, too, and what I wish to focus on today. Specifically, I am worried about those relating to the changes to the Fisheries Act and the implications they will have for our fish habitats and aquatic ecosystems.

From the evidence presented to the parliamentary subcommittee and the Standing Senate Committee on Energy, the Environment and Natural Resources, which reviewed Part 3 of Bill C-38, it is clear that these changes could have disastrous repercussions for the environment and for the economy. Former fisheries ministers, scientists, environmentalists, fishermen and citizens' groups all warned that these changes will harm fish habitats and significantly undermine environmental protection standards.

Let us not forget that ecosystems, and especially aquatic ecosystems, are interconnected and sensitive to change. Bill C-38 amends the Fisheries Act so that some bodies of water would no longer be subject to environmental regulation and, moreover, that only fisheries deemed to be of commercial, recreational or Aboriginal value will be protected.

Honourable senators, history has shown that when it comes to the environment, we can never be too cautious. We have already made too many serious mistakes in the management of our natural resources by focusing on maximum short-term economic output instead of long-term sustainability. We must also take the long view because we do not know what the future may hold. What is considered today to be a fishery of commercial importance may not be the same fishery that is of importance tomorrow.

Take, for example, the lobster industry. In the early 19th century, lobster was considered the food of the poor and was of marginal commercial importance. Today, lobster is Canada's most valuable seafood, with an export value that can exceed \$1 billion in a good year. By lowering our standards and opening up our fish habitats to increased development, are we destroying our future? By focusing only on fish of cultural, commercial, or Aboriginal importance, are we not taking too narrow an approach?

Scientists who appeared before the Bill C-38 parliamentary subcommittee warned that when it comes to trying to evaluate impacts to fish habitat, it is essential to take a holistic approach.

For example, Dr. David Schindler, who is an ecology professor at the University of Alberta, testified that when he was working for DFO 20 years ago and looking into the effects of acid rain on freshwater fish in Ontario, his team focused only on the effect acid rain had on lake trout, the species with the most economic and cultural importance. Their investigation found that the fish could tolerate a considerable amount of acid rain. They did not, however, study the effects of acid rain on the fathead minnows and the opossum shrimp that the lake trout fed on. Unfortunately, these smaller species were far more vulnerable to the effects of acid rain and quickly died out. The lake trout soon followed.

Honourable senators, ecosystems are complex webs of interconnected species. As the lake trout example illustrates, it is impossible to isolate one species for protection while ignoring others. They are interdependent.

However, according to the Minister of Fisheries and Oceans, the changes to the Fisheries Act outlined in Bill C-38 will do precisely this: divide species and habitats into those they deem important and those that are not.

This, he has stressed, will help to streamline regulations. For instance, it would make it easier for a cottage owner to install a dock on his or her lakeside property by eliminating the need for a permit. The minister believes that a dock is a minor thing and that the Department of Fisheries and Oceans should not prevent a cottage owner from enjoying his property.

While it is true that property owners and other citizens should not be unduly bogged down by onerous regulations and red tape, it is the government's responsibility to ensure that one property owner's rights do not override the rights of his neighbours or those of Canadians in general.

With respect to cottage docks, we have heard plenty of evidence to suggest that in fact they can do significant harm to fish habitats and, therefore, could undermine the health of an entire lake. That is why they have traditionally been subject to an approval process.

In the majority of cases, the dock's impact is considered low and the dock is approved. However, if there is a problem, DFO is there to step in and ensure fish and the ecosystem are properly protected to the benefit of all Canadians.

Moreover, Peter Meisenheimer, Executive Director of the Ontario Commercial Fisheries' Association, made an excellent point when he appeared before the parliamentary subcommittee in May. He said that when one looks back throughout history in Ontario, fish and the fishing industry have not come out ahead in interactions with other industries, whether mining, manufacturing or other commercial ventures. Fish and fish habitats always lose out.

Honourable senators, this is why we need a strong Fisheries Act that takes a precautionary approach and holds development proposals to the highest possible standards. Fish habitats are incredibly vulnerable and, once lost, are usually lost forever.

• (2030)

I fear that the changes to the Fisheries Act as laid out in Bill C-38 will further harm rather than help fish habitat. Many experts in the field agree, including four former fisheries ministers. It should come as no surprise that the only support for this legislation comes from the manufacturing, mining and resource development sectors.

Large corporations do not like to be encumbered with tight regulations that force them to undertake costly and time-consuming measures to protect fish and fish habitat. They would much rather be able to fast-track their projects and focus on making money as quickly and as efficiently as possible. However, as history has shown, while this approach is good for business in the short term, it is bad for the environment and bad for long-term economic sustainability.

Honourable senators, I believe the concerns I have just raised and the concerns put forward by stakeholders at committee are significant and worthy of further investigation. It is an abuse of power for the government to ram through these changes the way it is, when clearly this bill and its attendant other measures will bring considerable change to the lives of Canadians. We should have had far more time for analysis and debate. As the proposed changes to the Fisheries Act demonstrate, this legislation is deeply flawed.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak in support of Bill C-38. I am pleased to have this opportunity, in addition to my speech earlier in this session in response to the budget, because we have sat patiently and listened to extreme rhetoric from the other side about this bill being a bad bill. We also heard an assertion from Senator Mitchell that we were not saying anything in response to these extreme criticisms.

In my remarks I want to continue my focus on certain national and international environmental non-governmental organizations, or ENGOs as I call them, which have made it their business to

mobilize worldwide public opinion against the development of Arctic oil, gas and mineral resources, and the protection of Arctic wildlife and marine mammals from the effects of climate change and resource development.

I also want to speak in support of budget measures directed toward the development of a new fisheries protection policy and a regulatory plan to support changes to the Fisheries Act, as well as provide a foundation for a new fisheries protection program. These changes aim to focus protection on Canada's recreational, commercial and Aboriginal fisheries.

Finally, I note that Budget 2012 states that the Species at Risk Act is one of the government's main conservation tools to protect wildlife species, maintain healthy ecosystems and preserve Canada's natural heritage. To continue to protect Canada's diverse species and help secure the necessary conditions for their recovery, *Economic Action Plan 2012* proposes \$50 million over two years to support the implementation of the Species at Risk Act. I will provide some commentary on SARA, which hopefully will be taken into account in the implementation of the act.

Honourable senators will recall my intervention on Senator Eaton's inquiry into the interference of foreign foundations in Canada's domestic affairs. In my concluding remarks about the activities of these foundations in the Arctic, I stated:

My main point is that . . . as charities they should not be allowed to engage in unpermitted political activities such as openly pressuring governments to make certain decisions; we should know more about where their funding is coming from, how much they are spending and for what purpose, and what proportion of their budgets is devoted to political activities.

I am very pleased to see that *Economic Action Plan 2012* proposes measures to ensure that charities devote their resources primarily to charitable rather than political activities and to enhance public transparency and accountability in this area. More specifically, the CRA, as administrator of the tax system, is responsible for ensuring that charities follow the rules. Accordingly, to enhance charities' compliance with the rules respecting political activities, *Economic Action Plan 2012* proposes that the CRA enhance its education and compliance activities with respect to political activities of charities, and improve transparency by requiring charities to provide more information on their political activities, including the extent to which these are funded by foreign sources. Eight million dollars has been budgeted for these administrative changes over the next two fiscal years.

I also note that the Income Tax Act will be amended to restrict the extent to which charities may fund the political activities of other qualified donees and to introduce new sanctions for charities that exceed the limits on political activities or that fail to provide complete and accurate information in relation to any aspect of their annual return.

Honourable senators, these measures, while not yet law, are already generating results. Tides Canada President Ross McMillan addressed the Economic Club of Canada in Toronto yesterday. Before his address Mr. McMillan predictably stated:

The ongoing critique definitely factored into our decision. We really wanted to send a clear message to our critics that we have nothing to hide in our work, and we're very proud of the charitable initiatives that we support right across the country.

In this morning's *National Post*, Terence Corcoran wrote the following:

Mr. McMillan's argument is that, without charitable status for green organizations, serious risks to the economy and the environment would go un-addressed. It's a matter of truth and freedom, he said. "There is absolutely nothing partisan in speaking truth about what is unfolding in this country and what is at risk." Charitable organizations, of the left and the right, have the right to be heard. "Protecting the freedom to voice competing ideas is a foundation of Canadian democracy. And it is the foundation for a tolerant and open society."

Honourable senators, those freedoms exist above and beyond charitable status. Whatever Ottawa is planning, no one is taking any freedoms away. If Canadians want to fund Environmental Defence's chemical scares or Tides Canada's multitude of activities and oil sands campaigns, they are free to do so. If the causes get support, so be it, but why attack a tax break?

All taxpayers end up funding the activities of a few or of special interests. Tides Canada and other environmental charities are on the defensive, as they should be, but their existence is not threatened. Without charitable status, they would still collect money from Canadians who share their values. Surely, the truth is not a function of tax deductions.

Needless to say, I am in support of measures in Budget 2012 to provide additional resources to the CRA to monitor ENGO activities. What really bothers me is that these ENGOs are continuing their misinformed "Save the Arctic" campaigns without any pretence of consulting with or getting support from the Arctic: in my case, Nunavut Inuit, their organizations, the Nunavut government or institutes of public government, or IPGs, which are mandated to prepare land use plans, manage marine and terrestrial wildlife, and assess development projects in the territory.

The latest ENGO grandstanding fundraising stunt to save the Arctic took place recently at Rio+20, courtesy of Greenpeace. The campaign titled "Save the Arctic," with the byline, "The melting Arctic is under threat from oil drilling, industrial fishing and conflict" — that is news to me — encourages a worldwide audience to sign up in support of the campaign. The Greenpeace site raises alarms about loss of the Arctic ice cap, described as a "death spiral," and forecasts devastation for people, polar bears, narwhals, walruses and other species that live in the North, but also for the rest of the world.

To save the Arctic, Greenpeace says we have to act today: sign now. Their website pleads:

Yes! Let's declare a global sanctuary in the Arctic. Come with us to the North Pole. When we reach 1 million signatures we'll plant your name and a Flag for the Future on the bottom of the ocean at the top of the world.

Honourable senators, I will not go into details of the Greenpeace campaign except to say that their objective of stopping offshore drilling is a long-standing one, relating to Shell Oil's offshore Alaska drilling program. The objective of banning commercial fishing in the central Arctic Ocean is the major campaign of the Pew Foundation and Oceans North; the proposal for an Arctic sanctuary is a key objective of WWF and Coca-Cola. They also talk of the Arctic as a potential zone of conflict in terms which date from the Cold War but are arguably not relevant today, as asserted by major world powers that are collaborating in defining offshore boundaries through the UN Law of the Sea process.

• (2040)

What is typical of this mother of all ENGOS is that Greenpeace does not quote one Arctic Aboriginal resident, one Arctic Aboriginal organization, one Arctic state or territorial government, one circumpolar government or one elected Arctic representative as being in support of their objectives. Rather, the media headlines list Greenpeace Arctic campaign supporters as Beatle Paul McCartney; Hollywood stars Robert Redford and Penélope Cruz; British entrepreneur Richard Branson, yes, he who was lauded by members from the other side who were criticizing Bill C-38; and, gasp, Canadian rock star Bryan Adams, who I understand now makes his home in England.

Honourable senators, the "Save the Arctic" campaign is just the latest example of how international and national ENGOS are trying to influence Arctic policy and the future of the Arctic for their own misguided objectives. Speaking for Nunavut, I can only say that my constituents will never forget how in the early 1970s Paul Watson of the Sea Shepherd Conservation Society, who was recently jailed in Germany and is the object of an extradition request by Costa Rica, and numerous other national and international ENGOS destroyed the seal harvesting economy of my territory and, along with it, threatened a significant feature of the Inuit culture. To this day, Nunavummiut do not trust or support the activities or objectives of ENGOS and people like Liberal Senator Harb, who are their spokespersons and whose draft bill proposes to end the commercial seal harvest, or the Green Party leader whose party platform opposes the seal hunt.

These commercial bans have not only undermined the viability of Inuit engaging in subsistence hunting of seal for food and clothing but have been dispiriting and demoralizing to a people who have depended on the seal for their very survival for thousands of years and who are hurt by being falsely labelled "savage" and "inhumane."

From what I have just described, honourable senators can understand why these imperious organizations who advocate that Inuit should become vegetarians and sealers welfare recipients, who gather money from gullible foreign residents using misleading propaganda, and who channel money through a maze of charities to interfere with our domestic political and regulatory processes, are mistrusted and reviled in the North.

I want to also provide some comments on much needed revisions to strengthen the protection of Canadian fisheries.

Honourable senators, Canadians have told us they find the current rules on fish habitat and the Fisheries Act to be indiscriminate, confusing and far-reaching. Our current

approach subjects all activities — from the largest industrial development to the smallest personal project on private land — to the same rules, which is unnecessary to protect the productivity of our fisheries.

Senator Mitchell has alleged that our government is engaging in a destructive attack on the Fisheries Act. I would respectfully say in reply that Senator Mitchell has obviously not heard from Canadians, including many in Western Canada, who have countless stories of DFO employees zealously protecting ditches, manmade reservoirs and flood plains.

Minister Ashfield has said that new rules in the Fisheries Act will reflect what Canadians understand, that there is a difference between low-risk projects, such as the new dock at the cottage, and high-risk projects, such as a hydroelectric dam or mining operations. Fisheries protection policies should focus on the habitat that supports Canada's fisheries and not on farmers' fields and flood plains. As Mr. Ashfield has said, we do not believe it is sensible or practical to treat all bodies of water from puddles to the Great Lakes the same way, and our government is making long overdue changes on what is important to Canadians.

Let me provide some practical examples of the need for change in Northern Canada. I have heard some stories from the mining industry. One person described the efforts his company made in Nunavut to avoid triggering a fish habitat or navigable waters review. He described how in building an all-weather road the proposed routes intersected three ephemeral streams. In order not to trigger a fish habitat or navigable waters review, the stream crossings were engineered to completely avoid the whole channel. In one place, a bridge had to be constructed. The road had to be built so that water essentially did not touch the road at any of these points. These crossings were very expensive to build when a simple culvert would have sufficed. No fish were ever seen in these streams when they ran in the springtime, and they are mostly dry in summer, running along a hill or ridge, but this is how companies have to adapt their projects to meet the potential regulatory pitfalls that would add time and further expense to the project. Keep in mind, honourable senators, that these projects are being built in a remote, high-cost region which has virtually no infrastructure.

In my contacts with the mining industry, I found many examples of companies having to spend a great deal of money with negligible benefit to the environment. These are the situations to avoid. The executive I spoke to was careful to acknowledge that sometimes miners have to pay in money and time to reduce a real impact on fish, and no one is denying this. However, it would help if changes to the Fisheries Act would clearly exempt these types of unproductive waters from time-consuming and extensive reviews.

The same mining executive described to me how a certain lake was selected for tailings impoundment, and yes, water is a good way of protecting the environment from tailings. There was no recreational or commercial fishery on this lake. In fact, one would be hard-pressed to find an Inuk who ever fished it. Even with that, they are spending millions to compensate for the fish habitat lost in that lake. The lakes they are enhancing are also not fished recreationally or commercially and may only be fished by Inuit

once every couple of years. Whether or not this lake is used for mining or was compensated for by enhancing habitat close to the project, or not, makes no real difference whatsoever to Kitikmeot fishers.

Another mining executive described another process to me. In another lake, after exhaustive fish studies, 12 juvenile pike were captured in one year. The lake had zero oxygen levels in winter and the majority of the lake freezes to the bottom. This lake is marginal fish habitat in a land of a million lakes, yet unless the act is amended, lakes like these are required to undergo a full Schedule 2 exercise of the DFO process.

Could I have five minutes, honourable senators?

Senator Eaton: Absolutely, yes.

Hon. Senators: Agreed.

Senator Patterson: The current process to get a lake listed for designation for tailings containment is very long. DFO officials in the North will not even start their review until after the environmental assessment process and a positive report is issued by the environmental review board. Experience to date — and they only have one mine operating in Nunavut so far — is that the next process will take 12 to 18 months, a significant time delay for any development.

Honourable senators, Fisheries and Oceans Canada is adopting a common sense approach that focuses on managing threats to Canada's recreational, commercial and Aboriginal fisheries and the fish habitat on which they depend. Our new approach draws clear distinctions between different types and sizes of projects and waterways and takes into account the potential serious harm to our fisheries. It recognizes that fish habitats differ greatly.

Furthermore, the details are yet to be worked out. The measures in Bill C-38 announce the direction the government will take. It will now consult with stakeholders as the regulatory and policy framework is developed to support and better define the changes. This, I am confident, will lead to the building of partnerships with those committed to building, preserving and protecting fisheries with the hope they can play an even larger role in the protection and conservation of fish habitat in the future.

Honourable senators, I want to make a few comments before closing on a theme of Senator Ringuette's tirade against this bill yesterday, that the proposed legislation reflects a lack of courage on the part of our government and that we delayed the implementation of certain legislation. That was so that the kind of consultation I have just described should take place, but to say our government lacks courage is astonishing to me. For years while our government was in a minority situation we were hamstrung by the opposition resistance to almost any change. We then ran on a platform of orderly economic growth, which clearly resonated with many Canadians in uncertain times. I am proud to be associated with a government which is focused like a laser on economic growth and job creation, low taxes, research and development, and free trade. Be assured this agenda is not just about the economy; it is about continuing our careful stewardship of our environment while generating the resources to continue supporting our cherished health and social programs.

[Senator Patterson]

The opposition exhorts our government for being driven by ideology and having an agenda that will destroy Canada. I have even received emails urging me to stop Bill C-38 for the love of Canada. Well, this rhetoric is extreme. It certainly does not suggest our government lacks courage. We know that the two opposition parties in the other place have no economic plan except to oppose development and raise taxes. They have shown a determination to oppose any changes to the regulatory process or the modest changes proposed to the EI Act or OAS reforms that have been implemented throughout the developed world in recognition that, happily, people are living longer and their pension entitlements should be adjusted accordingly.

• (2050)

Senator Ringuette also blasted our government for not holding First Ministers' meetings. I attended many of those meetings in my previous career. Their productivity and usefulness as decision-making fora should be questioned, but to imply that our government acts unilaterally and ignores the plethora of federal-provincial-territorial meetings that take place on a regular basis is misleading. As Senator Lang pointed out, it was meetings of environment ministers that agreed on the rationalization of the environmental review processes to eliminate duplication and encourage timely reviews, bearing in mind that Canada must remain competitive with other parts of the world in its approval processes.

Steps to implement this rational process were part of a previous federal budget and are reflected in Bill C-38. This is the very kind of federal-provincial-territorial cooperation that Senator Ringuette says is needed in our country. It is happening on a regular basis — not the grand posturing sessions of First Ministers, which we saw in previous administrations, but collaborative working sessions of ministers pursuing common interests.

I say respectfully to Senator Ringuette that the ferocity of her complaints about this bill undermines her case that our government lacks courage to implement its agenda. We are acting courageously to do what we think is right, knowing that in the current negative climate in the other place and sometimes seen in this chamber, any changes to legislation leading to regulatory streamline or more focused environmental reviews or touching programs like seniors' pensions will elicit howls of protest. That is why I support the bill, honourable senators.

Senator Cordy: Honourable senators, the government's omnibus bill, Bill C-38, continues its rapid passage through the Senate. The changes proposed in the so-called budget bill are significant. Containing some 750 clauses and modifying over 70 acts, this bill makes considerable changes to everything from Employment Insurance and Old Age Security to Parks Canada and environmental regulatory oversight. Many of these changes are outside the traditional purview of a budget bill and are going to drastically affect thousands of Canadians while avoiding the scrutiny of stand-alone pieces of legislation. This is an abuse of democracy and an abuse of power.

All these changes are under the guise of the government's financial plan. However, we, as parliamentarians, and Canadians in general, do not have a clear picture of how these changes will

accomplish this goal, as Prime Minister Harper refuses to comply with his own accountability and transparency policies. His government continues to reject the Parliamentary Budget Officer's repeated requests for access to information detailing the \$5.2 billion in spending cuts and how these cuts will affect programs. By order of the PMO, departments were told to withhold this information. The Parliamentary Budget Officer has every legal right to this information in order to analyze and account for the government's spending to provide parliamentarians with the knowledge to properly do their jobs when voting on a bill.

As we heard yesterday from Senator Ringuette, every Conservative member of the Finance Committee voted against inviting the Parliamentary Budget Officer to appear before their committee to better help them understand the costs or savings of budget items. One would think that Conservative committee members would want to hear from the Parliamentary Budget Officer to be better informed. Now, here we are, left in the Senate to vote on a bill without a complete understanding of how these modifications will take effect or the costs associated with them — in other words, financial information, which one would believe would be available when studying a budget bill. Surely, making parliamentarians better informed about costs and savings would be a positive thing.

Bill C-38 also continues Mr. Harper's long preferred tactic of divisive politics — the “us” versus “them” mentality that permeates from this Conservative government, pitting Canadian against Canadian for political gain.

One of the many groups targeted by this bill is unemployed Canadians and their Employment Insurance benefits. The government seems to view those unemployed Canadians receiving EI benefits, and particularly seasonal workers, as people who are trying to cheat the system. Mr. Harper's plan is to weed out these workers with unfair, sweeping changes to the EI system and threats of denied benefits — benefits that these unemployed Canadians pay into when they are working. Canadians do pay for EI premiums to receive the benefits, if needed.

The Harper government's main contention is with the repeat claimant. This is the claimant who has received EI benefits more than once. That would be seasonal workers such as those employed in the fishing industry, the construction industry, the tourism industry, the workers in the parliamentary restaurant and the translators in the Senate. The changes proposed in Bill C-38, by redefining “acceptable work,” will force those receiving benefits to accept employment offering up to a 30 per cent pay cut in a job outside their area of training while also making them travel further away from their home for these lower-wage jobs. Benefits will be revoked if the claimant does not take the job. Surely, this government understands that we will stop having seasonal work when we stop having seasons. It is a fact of the Canadian economy.

These changes are not fair to either employees or employers. Employers are getting an employee who is there only until their other seasonal work begins again, or, even worse for employers, they will lose their trained workers every year. Shannon Phillips,

from the Alberta Federation of Labour, who appeared before the Standing Senate Committee on Social Affairs, Science and Technology on Bill C-38, expressed the concern of construction companies in Alberta that they will lose their trained seasonal workers each year as a result of changes to EI.

Bill C-38 does not stop with just threats of revoking EI benefits. The Harper government, with Bill C-38, will eliminate the regional Employment Insurance Board of Referees and umpires and replace them with a 74-member tribunal. This new Ottawa-based tribunal will be charged with hearing Employment Insurance, Canada Pension Plan and Old Age Security appeals.

Of the 74 members of the tribunal, only 37 members will be dedicated to deal with Employment Insurance disputes. Last year, nearly 26,000 Employment Insurance appeals were heard. This government claims that the current appeal system is costly, slow and inefficient. I cannot see how the new Ottawa-based appeal system will be faster and more efficient with 37 people dealing with at least 26,000 appeals.

Currently, the three representatives on the Boards of Referees are members of their community and are familiar with the particular realities of the region. The local nature of the hearing also allows for the claimant to appear in person before the panel to present their case. The current Boards of Referees are located in communities around the country. Mr. Harper's supposedly new and improved system will remove the process from the community and now appeals will be heard by one Ottawa-based government appointee. By the way, there will be no further appeals allowed if the claimant is turned down by this one person, this one government appointee, because there will no longer be umpires as a result of Bill C-38.

• (2100)

Currently, it takes about 30 days from the time a person applies for an appeal until the appeal is heard. The board usually makes its decision on the day of the hearing and the claimant receives the decision within a week. I find it very hard to believe that 37 people based in Ottawa will deal with over 26,000 EI appeals each year and have the appeals heard within 30 days and the decisions out within a week after the hearing.

Senator Mercer: It is easy when the answer is always “no.”

Senator Cordy: Senator Mercer is absolutely right.

With the changes to EI that will be made if Bill C-38 passes — and it will because of the Conservative majority in the Senate — it is quite likely that the number of appeals will rise significantly. This will create even longer delays.

While this government continues to shut down and centralize employment services across the country, they boast of providing supportive employment technologies online. However, they fail to realize that 46 per cent of low-income families do not have access to Internet at home, and 40 per cent of Canada's unemployed do not have access to the Internet. The job phone lines are shutting down in favour of job email alerts, which is counterintuitive to the current data. Many of the unemployed will not have access to the job email alerts.

Compounding the issue is the fact that within the same bill proposing EI changes, the Harper government will cut funding to the Community Access Program, which provides Internet access for those Canadians who do not have access to it at home. How will these Canadians read the government's job email alerts? The decision is just wrong-headed and, if it was not such a serious matter, it would be laughable.

Many of these changes to the EI system seem to be reactionary in nature, and the only rationale used by this government is to punish those Canadians the Conservatives see as cheating the system while specifically targeting seasonal workers. This government continues to push its agenda unilaterally without information, without facts, without analysis and certainly without consultation.

This government does not believe in the concept of consultation and, indeed, Bill C-38 reconfirms this, as none of the Atlantic provinces' premiers were given the courtesy of input on changes to the EI system, a system that is vital to Atlantic Canada as seasonal industries make up a large percentage of its economies.

Human Resources Minister Diane Finley said she consulted with her provincial colleagues. However, the four premiers of the Atlantic provinces — Conservative Premier Alward of New Brunswick, Conservative Premier Dunderdale of Newfoundland and Labrador, Premier Ghiz of Prince Edward Island and Premier Dexter of Nova Scotia — said they were not consulted by the minister.

Conservative Premier Dunderdale called the lack of consultation with the four Atlantic provinces on the changes to EI "disturbing." She then went on to say:

There seems to be a real disconnect between what the federal government is trying to achieve and the reality of peoples' lives in rural parts of the country — particularly here in Newfoundland and Labrador.

Conservative Premier Alward stated that Ottawa must be more upfront about its EI changes after not consulting with the provinces. He also stated that federal politicians should remember that Atlantic Canada's seasonal industries are an integral part of the entire country's economy.

Minister Finley did say that she consulted her Conservative MPs, however. In Question Period, I asked Senator LeBreton if this meant that the Conservative MPs from Nova Scotia supported the changes to EI that are in the budget. The leader in the Senate would not answer the question, but it is clear from their voting in the other place that Minister MacKay, Greg Kerr, Gerald Keddy and Scott Armstrong, all the Conservative MPs from my province of Nova Scotia, are in full agreement with the EI changes. I am curious to know what favourable comments they made to the minister when she consulted with them and took their advice.

Actually, Mr. Kerr mentioned in an email to my staffer that he was in favour of what he called "minor changes" to EI, although I would consider the proposed changes quite major. He went on to

say that the details regarding EI changes would be out "shortly." This just highlights another example of leaving us to vote on a bill while this government continues to withhold vital details.

Minister Finley also mentioned that she may be open to feedback from the provinces. We all know that this government's feedback file is nothing more than a little blue bin. "Let's ram the bill through and then we will get your feedback." I do not think that will be very helpful.

We have changed government programs so that they involve new technologies. I understand that. However, Bill C-38 will stop federal funding of programs of the Community Access Program. According to a Statistics Canada study, only 54 per cent of low-income Canadians have access to computers and yet CAP sites are closing. Senator LeBreton stated in the chamber that this program has outlived its usefulness. However, recent studies by Industry Canada say that CAP sites are used by a wide variety of Canadians: those without high-speed Internet access, low-income Canadian families, seniors, older workers, new Canadians, Canadians needing to connect with government services, workers who travel and work in rural areas, job seekers, and youth in need of first-time employment. It seems that Industry Canada would say that the CAP sites are very useful. Yet, this budget bill cuts the funding to CAP sites while government departments use computers to communicate with Canadians — Canadians who need this information to find work.

May I have five more minutes, please?

Hon. Senators: Agreed.

Senator Cordy: Honourable senators, with this bill, the Harper government is also targeting some of Canada's most vulnerable citizens, low-income and disabled seniors. Under this government's plan, the eligibility age for Old Age Security will be raised from 65 to 67 years of age. Why is this change being made? According to the Harper government, the current system is unsustainable. This belief contradicts what third-party experts have said, what the Parliamentary Budget Officer has said, and even what the government's own experts claim: That the current system is, in fact, sustainable.

Raising the age from 65 to 67 will cost the average retiring Canadian \$12,000 and the lowest-income senior up to \$30,000. These changes to the OAS program hit Canada's most vulnerable seniors the hardest. Cutting government spending on the backs of Canada's most vulnerable citizens is just mean-spirited.

The changes to the OAS program will also hurt those Canadians who are disabled, who will have to wait an extra two years to receive their OAS and their GIC support.

Part of Bill C-38 is amendments to the Immigration and Refugee Protection Act that will enhance the power for inspection and visits to the workplace of temporary foreign workers. This will affect employers who will have inspectors in their workplace. This may be a good thing, or it may not be such a good thing. We do not know. Who will do the inspections? How will they be done? How often will they be done? Will inspections be announced? None of these questions have been answered, but, hurry up, we have time allocation and we have to pass Bill C-38. The details will be out later.

• (2110)

The changes to the Immigration and Refugee Protection Act provide this government with something else it seems to love — unchecked power and unaccountable decision making. These changes will see the minister gain the power to create new subclasses of economic immigrants and to set or change the rules governing those subclasses without parliamentary oversight and scrutiny getting in the way. The more centralized these decision-making processes are, the more politicized they can become.

We continue to diminish parliamentary oversight and to discourage public debate about our immigration system by expanding ministerial discretion. This omnibus bill eliminates almost 300 applicants from the Federal Skilled Worker Program. All Federal Skilled Worker Program applications made before February 27, 2008, for which a decision has not been made before March 29 of this year, will be gone. I suppose that is one way to get rid of a backlog — just erase the list.

These applicants have been waiting in the queue for years and years, putting their lives on hold. This breaks a promise to applicants who followed all the necessary steps to come to Canada but now, presto, you are gone and we have changed our minds. Where is the fairness?

What special efforts have been given to processing these applications? Why was there not an open discussion about this in 2008? Why were applicants not contacted to see if they were still interested? This certainly challenges the integrity of the system. The backlog was unfair, but cancelling the pre-2008 applicants was even more unfair.

Further amendments will drive down wages by allowing temporary foreign workers to be paid 15 per cent lower than the regional average wage and, together with EI recipients forced to take jobs at up to a 30 per cent pay cut, Bill C-38 will reduce incentives for employers to pay higher wages. We heard at committee that allowing temporary foreign workers to be paid less will particularly hurt non-unionized workers.

Once again we have an omnibus bill and once again there was little if any consultation about most parts of the so-called budget bill. The disrespect this government continues to show to Canadians and parliamentarians with its actions in Parliament and the way they conduct business is deplorable. Bill C-38 is another prime example of that. The bill contains some 750 clauses and modifies and changes over 70 acts, which will affect millions of Canadians.

Time allocation was brought in to limit debate, and the bill was rammed through both Houses of Parliament in the hopes that Canadians would not become aware of everything that is in it. The process used and the omnibus nature of the bill is an abuse of democracy and an abuse of power. Canadians deserve better. I cannot support this bill.

Senator Mercer: Will the honourable senator accept a question?

I was surprised at the beginning of the honourable senator's speech. She said that the PMO ordered people not to give the Parliamentary Budget Officer information to which he is legally entitled. Is that what she said?

Senator Cordy: Yes.

Senator Mercer: She is telling me that the Prime Minister's Office is counselling people to break the law that presently exists. That is taking part in a conspiracy.

Some Hon. Senators: Time.

The Hon. the Speaker: I regret that Senator Cordy's 15 minutes plus 5 have been exhausted. On debate.

Some Hon. Senators: Question.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Further debate, the Honourable Senator Mahovlich.

Hon. Francis William Mahovlich: Honourable senators, I rise today to add my voice to the long list of those concerned with the massive size and scope of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures. This piece of legislation is certainly not for the faint of heart. It is divided into four different parts and has over 700 clauses in total. It deals with everything from environmental issues to border security issues, to Employment Insurance and pensions, and many other things in between.

Not all of the items in this so-called "fourre tout" bill are bad. Some, as Senator Day pointed out in his speech last week, are quite reasonable, but perhaps they could have and indeed should have been brought before Parliament as separate pieces of legislation that can be studied individually.

I would like to quote one person's thoughts on omnibus bills.

First, there is a lack of relevancy of these issues. The omnibus bills we have before us attempt to amend several different existing laws. Second, in the interest of democracy I ask:

[Translation]

How can members represent their constituents on these various areas when they are forced to vote in a block on such legislation and on such concerns?

[English]

We can agree with some of the measures but oppose others. How do we express our views and the views of our constituents when the matters are so diverse? Dividing the bill into several components would allow members to represent views of their constituents on each of the different components in the bill.

Honourable senators, this quote really hits the nail on the head. Since parliamentarians are here to work in the best interests of Canadians, how can we expect to do that when the matters of this bill are so diverse? The speaker of this quote clearly shares my concern with having so many different issues wrapped up in one bill.

Honourable senators, I should point out that this quote comes from someone we are all quite familiar with. It is from none other than our Prime Minister, the Right Honourable Stephen Harper.

Senator Mercer: Well, well.

Senator Mahovlich: Obviously, he was not speaking of the bill that is before us today, but rather of the Budget Implementation Act of March 1994. Nearly 20 years have gone by since a relatively new Reform MP from Calgary gave his speech condemning the decision of the government of the day, and I find it amazing how his views have changed. It is a flip-flop.

Honourable senators, I cannot stand here and say that the hands of previous Liberal governments are clean from the use of omnibus bills. Certainly, Bill C-17 from February 1994 is a good example of that. That does not, however, reduce the concern I have with regard to the magnitude of this budget implementation bill.

Given the fact that the government holds the majority in both chambers, why not separate the pieces of legislation and pass them individually? The government could have easily implemented the numerous policies found in this bill in separate pieces of legislation over the parliamentary session. By doing so, the government would have allowed the voice of Canadians to be heard on each issue, rather than being drowned out by the abundance of issues in a single bill.

An example of an issue that is in this bill that could have easily been its own piece of legislation with thorough discussion and study is the topic of Employment Insurance. In this bill there are a number of proposed changes that will seriously affect Canadians' abilities to obtain EI when they are out of a job and for assistance to try to find new employment.

Honourable senators, I will not go into all of the changes that will come as a result of the 2012 Budget and the subsequent Bill C-38, but one example is the ending of funding to the Community Access Program. The federal funding of this program, which has brought computer and Internet technologies to Canadians across the country, was eliminated by the 2012 Budget. It should be noted that 48 per cent of low-income Canadians do not have access to the Internet at home. The loss of this program will not help their situation, especially given the fact that another proposed change in Bill C-38 is to inform unemployed Canadians about job opportunities in their area with email alerts. How does the government expect the 48 per cent of low-income Canadians without Internet access at home to get these emails advising them of these job opportunities? Perhaps if this issue were a bill in its own right, Parliament could have worked to find a solution that included and indeed helped all Canadians.

• (2120)

I believe in this case the Senate had great insight in doing a pre-study on this bill so that senators had the opportunity to uphold one of their most important roles, to act as sober second thought. I would like to thank the many senators and committee staff of six different Senate committees that had dozens of meetings on the subject matter of this massive bill.

Honourable senators, I realize that this bill has all but been passed by Parliament. Members of the other place have already gone back to their ridings for the summer. The Standing Senate Committee on National Finance has completed its study of the bill and has reported it back to the Senate without amendment. It is my sincere hope, though, that in the future, the government heed the call of the young Reform M.P. from Calgary West and divide bills into several components where there is a lack of relevancy of the issues so that parliamentarians can express their views and the views of their constituents when the matters are so diverse. In his own words, it is in the interest of democracy.

Hon. Jim Munson: Honourable senators, I stand tonight to urge you to prevent the passage of Bill C-38's proposed amendments to the Old Age Security Act, specifically that the age of eligibility for the Old Age Security pension and the Guaranteed Income Supplement be gradually increased from 65 to 67.

Increasing the age when Canadians can begin receiving these important payments under our federal public pension system will have a hugely negative impact on financially vulnerable segments of our population. It is as though the government has drafted these changes without any thought for low-income Canadians, Canadians who, for an array of known reasons, will struggle financially and will likely never work for employers offering defined pension plans or have sufficient resources to save for their retirement.

The proposed amendments to OAS will take effect in 2023, but they already have many people seriously worried about their retirement years. Our government is telling Canadians who are today 53 years old and under that they will have to work longer before they can retire. Our government has essentially issued a decree that alters fundamentally how Canada will take care of its future senior citizens, and, in reaching its decision, our government has failed to consult with Canadians and heed the evidence and wisdom of those who understand the Old Age Security program best.

The Prime Minister says that the changes set out in Bill C-38 for Old Age Security are necessary to ensure its financial or fiscal sustainability. Canada's Parliamentary Budget Officer, Kevin Page, has openly countered this argument, pointing to the federal government's projected revenues and economic growth as evidence that the program is both sustainable and affordable. The government's tactic has been to cite findings from the country's Chief Actuary that the number of OAS pension recipients will nearly double over the next 20 years because of increased life expectancy and the aging of the baby boom generation; but has the chief actuary also said that the associated increase in future demands on OAS will mean a crisis? Not at all. Canada has been preparing for the impending growth of the senior population for a long time, with systems in place to ensure our public pension system is equipped to ride out the wave.

Of course, it would make sense to consider adjusting elements of our public pension programs. I am all for gathering facts and hearing different opinions from the specialists. That is hard to do with time allocation by, the way. I believe too in discussion and debate, which is also hard to do with time allocation. Without these processes, where is democracy?

Rather than creating panic with warnings of an aging population crisis, the government would be better serving all of us by building awareness of facts and generating exchanges of ideas on these facts. The Chief Actuary's reports to Parliament are a good place to start. They clearly show, for instance, that OAS disproportionately supports women, especially widows. The pension income from the program is hugely important for poorer seniors. If we take a few minutes to reflect on people we know or know about, it is distressingly easy to identify some of those people who will be hit especially hard by the increased age of eligibility for OAS.

Let us not fool ourselves. The impact of these changes is about a lot more than just two more years of work. For many people who earn low income, OAS actually enables them to enjoy a better quality of life. I am thinking of a woman living right here in Ottawa. She has struggled with mental illness for many years and has been unable to work steadily. Now she is receiving OAS payments. This has made a big difference in her life, and it is astounding. Before, she could not even afford to take the bus. She had to walk everywhere or depend on others to help run errands and get to appointments. Two more years of that would have been harder than any of us can imagine. The maximum amount she receives from OAS would be about \$540 a month. It is not a fortune to most of us, but to her, it means a significantly better quality of life. I think here tonight about what will happen to those who are 53 and under who will find themselves in similar conditions. We have to think of those folks. I shudder at the thought of what may happen to them.

In remote towns across Canada, there are thousands of men and women working in factories and plants. Assuming these employers are open to keeping on or hiring older workers — and that is a big question — these workers will have to work two extra years. This is especially significant for those closest to 53 years old. Their jobs could be stressful or physically demanding. This is also hard on the younger people in these same communities who cannot find work. Older workers will be taking jobs from the next generation of workers in a weak economy.

As many of you already know, I do what I can, along with others here in the Senate, in helping children with disabilities. Naturally, I am also thinking of them and what the future holds for them. They will not always be children and will not always have their parents around to care for them. Unless they are fortunate enough to have supports with a registered disability savings plan or a handsome trust, odds are that they will be poor. How can our government possibly propose reducing two years of OAS and GIS support to these people, to people who generally, for all kinds of reasons, will be low-income earners. Think about it.

The knowledge and instincts I have with regard to the government's proposed changes to OAS are widely shared within the Canadian population. If there is a moment when

opposition to the plan to the government should be expressed, it is now, here in this chamber. The best chance I have of making a difference is to urge all of you honourable senators to act in respect to the people who will be hit the hardest by what Bill C-38 sets out for the future for OAS. The changes are unnecessary, and they will certainly harm future generations of Canadians.

Hon. Lillian Eva Dyck: I would like to thank all honourable senators on both sides for their speeches tonight. In fact, it has forced me to alter the speech I was going to give because I heard some interesting ideas.

As many people said before, Bill C-38 is an omnibus bill. Many of my colleagues have talked about what that means with respect to the democratic process. I just want to make a few more comments, as I mentioned previously, with respect to what that means specifically to senators here sitting in the Senate chamber.

Senator Tkachuk said we on this side have no sense of humour. To that I say to Senator Tkachuk that I hope that he and his colleagues opposite realize that his government's actions in introducing such an omnibus bill and refusing to allow sufficient time for debate or to accept any changes to it are making a laughing matter of their mantra of Senate reform.

Senator Plett picked up on my question earlier when I was talking about Senate reform and a Triple-E Senate. Do you remember what those are, on that side? Elected, effective and equitable. We have talked so much about elected. Tonight, we are talking about effective. How can the Senate be effective in doing what it does when we are dealing with a bill like this?

Some Hon. Senators: Hear, hear.

• (2130)

Senator Dyck: I thank honourable senators. In fact, to the members opposite, this is an omnibus bill, not an omnipotent bill.

Back to my prepared speech. Honourable senators, this budget bill, Bill C-38, is a continuation by the Harper government of the systematic and discriminatory underfunding of services to Aboriginals, which will continue to marginalize Aboriginal people. Today, I will limit my remarks to three areas of great concern to Aboriginals: imprisonment, education and the duty to consult and accommodate. Senator Lang referred to it, and I believe Senator Patterson also mentioned it in his speech.

Honourable senators, we all know that the overrepresentation of Aboriginals in the Canadian prison system is overwhelming. According to Statistics Canada, in 2011, Aboriginal persons accounted for 27 per cent of adults in provincial and territorial sentence custody, despite representing only 4 per cent of the Canadian adult population.

In the province of Saskatchewan, Aboriginal people account for 81 per cent of the incarcerated population, while accounting for only about 15 per cent of the total provincial population. Something is out of whack.

This is unacceptable, but it will get worse because we passed Bill C-10, the Conservative government's omnibus crime bill. Bill C-10 added mandatory minimums into sections of the

Controlled Drugs and Substances Act and removed judicial discretion when it came to sentencing. In particular, it removed the judge's ability to allow the application of Aboriginal justice principles and policies to Aboriginal offenders and to pay particular attention to the circumstances of Aboriginal offenders. This plan will certainly worsen the already staggering Aboriginal incarceration rate.

In Budget 2012, we see the government failing to renew full funding to the Aboriginal Justice Strategy. Instead of cutting the funding for the Aboriginal Justice Strategy, the government should be fully funding these programs to address the unacceptable overrepresentation of Aboriginals in Canadian prisons. The Supreme Court of Canada just recently ruled that Aboriginal background and circumstances must be taken into consideration when sentencing. Not doing so would "violate the fundamental principle of sentencing." The Aboriginal Justice Strategy is a critical component in upholding the Supreme Court ruling.

Honourable senators, it is well known that most of those in our prisons, whether they are Aboriginal or non-Native people, have poor literacy and limited education, yet Budget 2012 does not attempt to fix the unfair funding to on-reserve schools, nor does it provide more funding for Aboriginal post-secondary students.

In the other place, the Conservatives supported a motion to realize Shannen's Dream. Shannen was a student from Attawapiskat who died, unfortunately. It was her dream to close the education gap estimated at between \$3,000 and \$4,000 per student and to bring funding for First Nations education to the same level as funding for students in provincial schools.

Budget 2012 breaks these commitments.

While the Assembly of First Nations has estimated it will take an additional \$500 million per year to bring First Nations education up to an equivalent standard with non-reserve provincial schools, the budget commits only \$275 million over three years, with no funding to increase teachers' compensation, which is essential to recruiting and retaining educators.

Honourable senators, we know how important it is to have good teachers so that students get a good education.

As Chelsea Edwards, a high school student from Attawapiskat First Nation and advocate for Shannen's Dream said, the Conservatives' decision to maintain this discriminatory underfunding of First Nations education simply "is not right."

Honourable senators, to make matters worse, there is no new funding for the Post-Secondary Student Support Program for First Nations and Inuit, despite a backlog of over 10,000 students. This makes no sense. With a shortage of skilled labour and an increased drive to bring immigrants to fill the labour gap, this government gets a failing grade for not providing more funding in the budget to support Aboriginal students to get the appropriate post-secondary qualifications so they can fill the jobs.

Some Hon. Senators: Hear, hear.

Senator Dyck: For those reasons, I will not support this budget. I will now continue on the duty to consult.

Contrary to what has been implied twice tonight by honourable senators opposite, that the Harper government fulfills its duty to consult and accommodate Aboriginals, witness after witness after witness from across Canada has stated at the Aboriginal Peoples Committee that they are not consulted by the Harper government. Every one of them has told us that they have not been consulted, so how can the government say they are? They are not, absolutely not.

I will now read into the record the press release from the Federation of Saskatchewan Indian Nations on Bill C-38, which was released in May 2012. It states the case very well. In Saskatchewan, at least 15 per cent of our population is Aboriginal; two thirds of that is First Nations. Their press release is entitled "No Honour in Harper Government" and it states:

The federal government is violating its constitutional and legal obligations to consult and accommodate First Nations Treaty and Aboriginal rights. The First Nations of the Federation of Saskatchewan Indian Nations (FSIN) are extremely concerned over the content of Bill C-38 and how it was developed.

Bill C-38 will impose a series of new regulations and policies that will alter opportunities for First Nations to examine and be engaged in the approval processes for major resource development projects. As one of its components, Bill C-38 will gut the environmental protection provisions of the current Canadian Environmental Assessment Act.

There could not be much stronger language than that. That is the reality. The press release continues:

"This bill is an unconscionable attempt to purposefully minimize the federal government's obligations to consult and accommodate First Nations treaty and Aboriginal rights. It openly contradicts what the Supreme Court of Canada has already declared on this matter", stated FSIN Vice-Chief Bobby Cameron. "The court has clearly articulated the rules for consultation and accommodation. This bill will change what those rules are. Stephen Harper and his conservative party government have shown that the Federal Crown has no honour and no respect for the application of the Supreme Court of Canada's decisions when it comes to the First Nations people of Canada."

"First Nations must be consulted about the design of environmental and regulatory review processes, and must also be consulted in strategic planning. First Nations have serious concerns about the future of our environment and the impacts that decisions this government will have on our future. The Harper government has failed miserably to engage the First Nations in Saskatchewan in this regard", stated Vice-Chief Bobby Cameron.

The FSIN demands that Prime Minister Stephen Harper live by the comments he made in 1994 while he was in opposition when he disputed the "kitchen sink approach" of the Liberal government's Omnibus Budget Bill.

You have heard about the kitchen sink approach before.

"How can members represent their constituents on these various areas when they are forced to vote in a block on such legislation and on such concerns? How do we express our views and the views of our constituents when the matters are so diverse? Dividing the bill into several components would allow members to represent views of their constituents on each of the different components in the bill."

That was from 1994. The press release continues:

The FSIN strongly recommends that the Stephen Harper government consult with First Nations on dividing Bill C-38 into several components, particularly those provisions dealing with environmental protection. This would provide sufficient time to ensure that the First Nations fully understand potential impacts on their rights; are able to respond in a meaningful way; are provided with an opportunity to be accommodated where required, by meaningfully addressing concerns raised; and are provided with formal participation in decision-making.

This will ensure that First Nations have the opportunity to address concerns about projects that can seriously harm the environment — an issue that all Canadians should be concerned with.

The Federation of Saskatchewan Indian Nations represents 74 First Nations in Saskatchewan. The Federation is committed to honouring the spirit and intent of Treaty, as well as the promotion, protection and implementation of the Treaty promises that were made more than a century ago.

• (2140)

I agree completely with what the FSIN has stated in its press release.

Honourable senators, because the Harper government continues to marginalize the Aboriginal people of Canada in this budget, I will vote against it.

Senator Mercer: Honourable senators, there is a dangerous trend emerging in the legislative agenda of the Harper reform government. It started to happen soon after they first came here, and it is getting worse every year. Although it is nothing new, it seems to be getting progressively and dangerously worse. It is the only thing progressive about this government.

What I am talking about, honourable senators, is the fact that bills come to us at the last minute with the expectation that we will somehow be able to do our job properly but, most important, quickly, so that Parliament may recess for the summer.

As we all know, it takes time and considerable effort to properly and carefully study a bill on behalf of Canadians. I repeat: It takes time. These things cannot and should not be rushed.

In the past, we have done a good job to work within our time constraints. We have taken on the role as a chamber of sober second thought and have done so successfully, but, lately, more unnecessary urgency is creating a situation where bills are not getting the due diligence they deserve.

Honourable senators, instead of having separate bills for every distinct section of legislation in Bill C-38, it was all jammed into one huge omnibus bill. What was so urgent that it became necessary to pass everything in one bill? What indeed?

Instead of breaking down the bill to study it and to vote on it properly, we are rushing it through blindly. Please do not say, "Well, we pre-studied the bill," because, while we may have, how much did we get done? Not nearly enough.

I am getting emails every day from groups like the Canada Without Poverty Advocacy Network, a group that advocates for poverty prevention and elimination, that wonders why this is happening.

These groups are all wondering why there are provisions in this bill that change EI and may force more people to visit food banks. These groups are wondering why their government is dismantling environmental stewardship in this country. They are also wondering why employees here on Parliament Hill may not have job security any more. They are wondering why the government is dismantling rescue teams that were so desperately needed and used this week in northern Ontario.

They have every right to be concerned. Having said all of this, honourable senators, our job requires us to do the best with what we have. We have a job to do, and we are doing it with diligence.

Unfortunately, with a piece of legislation this size, with the very little time that we are given to consider it, neither we nor Canadians have enough time to grasp the potential dangers that Bill C-38 may present us with in the future.

This bill and all future bills deserve time and careful consideration. Canadians expect it, and we should expect it of ourselves.

Bill C-38 has not received the time it deserved. It has not received enough of the sober second thought that we owe it. There was no reason to hurry this bill through Parliament. Canadians do not deserve this. They deserve better.

There should never be any further omnibus legislation of this type and, if there was a way of banning it, I would. Legislation like this should never be rushed unnecessarily ever again.

Honourable senators, I will be supporting the amendments and voting against this budget, but I ask our colleagues opposite to think about those people — the people we represent — who will be negatively affected if this budget passes. Honourable senators should think about them as they stand in their place today and tomorrow.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Honourable senators, the question is on the motion in amendment. Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: According to the rules, it is a 15-minute bell. The vote will take place at ten o'clock.

• (2200)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|------------------|--------------------------|
| Campbell | Jaffer |
| Chaput | Mahovlich |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |
| De Bané | Munson |
| Downe | Ringuette |
| Dyck | Robichaud |
| Eggleton | Smith (<i>Cobourg</i>) |
| Fraser | Tardif |
| Furey | Watt |
| Hervieux-Payette | Zimmer—27 |
| Hubley | |

NAYS THE HONOURABLE SENATORS

| | |
|-------------|------------|
| Andreychuk | Martin |
| Angus | Meredith |
| Ataullahjan | Mockler |
| Boisvenu | Nancy Ruth |
| Brown | Nolin |
| Buth | Ogilvie |
| Carignan | Oliver |
| Comeau | Patterson |
| Dagenais | Plett |
| Di Nino | Poirier |
| Doyle | Raine |

Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall

Rivard
Runciman
Segal
Seidman
Seth
Smith (*Saurel*)
St. Germain
Stewart Olsen
Tkachuk
Unger
Verner
Wallace
Wallin
White—51

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, the question now before the house is the motion by the Honourable Senator Buth, seconded by the Honourable Senator Doyle, for third reading of Bill C-38.

Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Pursuant to the rules, the recorded vote will occur tomorrow at 5:30 p.m.

[Translation]

ADJOURNMENT

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, since we have had a long day and since we are a chamber of sober second thought and, at this hour, it would be difficult to be even a chamber of sober first thought, I propose that we carry over the items remaining on the Orders of the Day to tomorrow and that we adjourn for tonight.

(The Senate adjourned until tomorrow at 9 a.m.)

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SENATE



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41st PARLIAMENT

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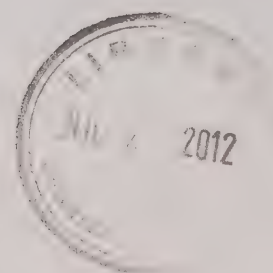
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(HANSARD)

Friday, June 29, 2012



The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Friday, June 29, 2012

The Senate met at 9 a.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

REFUGEE HEALTH CARE

IMPACT OF BUDGET

Hon. Jane Cordy: Honourable senators, I was very pleased to be invited to a press conference on Wednesday of this week held by the Canadian Doctors for Refugee Care. This was a final plea to the Harper government to save refugee health services from pending cuts to the Interim Federal Health Program, the IFHP, set to take place on June 30.

The IFHP currently provides temporary health care coverage to eligible protected persons, refugee claimants, and others who do not qualify for provincial or territorial health care plans.

These reforms announced by the minister will end the coverage of the supplemental health care benefits starting tomorrow. These cuts were made without any consultation with those working on the front lines — in fact, without any consultation with any Canadians. The new program will allow for medication and immunization to be provided only when there is a risk to public health or safety or if it is of an urgent or essential nature.

A person with asthma would not receive medication but in a crisis situation would be treated at the emergency department and then released with no medication, only to have to return to emergency later. The same would be true for a diabetic, who would not receive insulin, or someone with a heart problem — no medication. Emergency care is one of the most costly, and these changes will increase costs, which will be downloaded to the provinces and territories.

Refugees come to Canada to escape violence and persecution. Where we should be providing them with hope, this government has decided to continue to treat them as unworthy. It is a policy change that will victimize the most vulnerable.

Does the minister really believe that refugees are risking their lives and spending large amounts of money to come to Canada so that they can get free eyeglasses? The tendency of this government to pit us against them, Canadians versus refugees, must stop.

In a rare move for any church group, the Anglican diocese, along with a refugee sponsorship group in Winnipeg, are taking the federal government to court over its changes to the IFHP, claiming it is a breach of contract. The diocese and several church-funded refugee sponsorship agreement holders have a contractual relationship with the federal government and operate under the assumption that the IFHP will be in place. The

Canadian Council for Refugees has said that these cuts will be a serious deterrent to sponsors. The Conservatives are downloading costs to the provinces, municipalities, community-based health groups, the charitable sector, and public programs and organizations that provide the uninsured with health benefits.

In response to demonstrations by doctors against these changes affecting the health of refugees, Minister Kenney called those who oppose these changes "extremists." He has labelled doctors concerned about the health of refugees as "extremists," when in fact they are caring and compassionate people. Physicians are deeply concerned that these cuts to health services will lead to poorer health outcomes. Canadian health care workers should have been consulted before changes were made to cut health care for refugees.

Honourable senators, this is a very important issue. Not only does it hurt the health of those seeking asylum in Canada, but it will also affect our global reputation as a compassionate nation. Let us follow our humanitarian traditions and not allow ourselves to become so callous and unfeeling to the plight of others.

Both the Toronto Board of Rabbis, in a letter to the Prime Minister, and Philip Berger, Bernie Farber, and Clayton Ruby, in an article in *The Globe and Mail*, ask that the proposed changes to refugee health care coverage be rescinded and that refugees not lose basic health care.

Let us not consider refugees to be second-class individuals. These are people who have fled civil war, disaster or persecution. Why are we opening the door to Canada but closing it to health care? Most refugees have arrived in Canada with nothing. Why would we want to re-victimize them?

As Dr. Parisa Rezaiefar, a refugee who came to Canada and who is now a physician, said:

I urge Minister Kenney to not take away that dream from today's refugees and tomorrow's citizens. . . . The Interim Federal Health Program is not charity; it is an investment in the future of the country.

THE HONOURABLE MICHAEL H. TULLOCH

CONGRATULATIONS ON APPOINTMENT TO ONTARIO COURT OF APPEAL

Hon. Don Meredith: Honourable senators, I rise today to acknowledge a great milestone for African Canadians in the province of Ontario and the Jamaican diaspora in Canada.

Last Friday, our government appointed Superior Court judge and Brampton resident Justice Michael Tulloch to the Court of Appeal for Ontario. Born in Jamaica, he is the first African Canadian to serve in Ontario's highest court. As the fourth African Canadian and the first Jamaican to be appointed to this place, and as a representative of the province of Ontario, I am especially proud of this great achievement.

Honourable senators, Justice Tulloch's journey reflects the success story that all newcomers dream of in coming to this country. I recently spoke to Justice Tulloch to congratulate him on this accomplishment. I indicated to him that our Conservative Visible Minority Caucus has met with the Minister of Justice and the Minister of Immigration to raise the issue of how more diverse Canadians can be appointed to these prominent positions. We also discussed how to better engage and encourage our diverse Canadian communities to seek out these positions.

Justice Tulloch is deeply honoured by this appointment and thanks our government for recognizing the talents that exist in this diverse Canada. He is also encouraged that he is blazing the trail for other African Canadians who aspire to be called to the bench across this country.

His prior accomplishments include graduating from Osgoode Hall Law School and becoming an academic fellow at York University's McLaughlin and Vanier colleges. In 2003, he was appointed to the Superior Court of Justice, making him the youngest Black judge in Canada.

Prior to being called to the bench, Justice Tulloch worked at the federal level as an assistant Crown attorney and special prosecuting agent for the Department of Justice. In 1999, he also participated in the Criminal Code review conducted by the federal Attorney General and Minister of Justice. At the provincial level, he served as a consultant during the Government of Ontario's review of the legal aid system.

Honourable senators, Justice Tulloch has been active within the community. He is a past board member of the Ontario Legal Aid Committee, the Canadian Bar Association, the Urban Alliance on Race Relations, and the Jane-Finch Community Legal Aid Clinic, the community in which I grew up. He is also past president of the Canadian Association of Black Lawyers and the Caribbean and African Chamber of Commerce. Honourable senators, please join me today in celebrating this great accomplishment for Justice Tulloch and the people of Ontario. Thank you.

[Translation]

UNITED NATIONS CONFERENCE ON THE ARMS TRADE TREATY

Hon. Roméo Antonius Dallaire: Honourable senators, at the end of the Cold War in 1989, the participating countries demobilized reservists and recovered military equipment. These countries, which wanted to reap the benefits of this war — essentially developed countries in Europe and North America — did not destroy their small arms.

The resale of this equipment became an option, because Canadian taxpayers had paid for this equipment, and people did not want to destroy what could still be useful. As a result, today, there are more than 300 million small arms spread out around the entire world.

[English]

Honourable senators, small arms and light weapons are the very lifeblood of modern conflicts. In countries such as Angola, Liberia, Côte d'Ivoire, Sudan and the Congo, United Nations

monitors are reporting the horrific burden of these trafficking networks. Between 1990 and 2005, conflicts like these have cost Africa's economy an estimated \$284 billion, roughly \$18 billion a year.

Small arms proliferation has even impacted Canadians, as our trade interests are threatened by pirates off the Horn of Africa, our citizens suffer from domestic gun violence, and our overland trade routes are endangered by gangs in Mexico. We have had to create new capabilities like Shiprider in order to prevent illegal arms from entering our country. Yet, we live in a world where there are more regulations regulating the trade of bananas than the trade of arms.

• (0910)

Honourable senators, on Monday the United Nations and nations around the world will convene in New York to negotiate what could be the most important disarmament convention in decades. It will be a UN treaty on the global arms trade.

The idea of an arms trade treaty was initiated by NGOs and Nobel Peace laureates in the 1990s. Since then, a great deal of ground has been covered and today we are finally close to realizing that goal.

The treaty would, as an example, end the transfer of weapons in cases where they may be used in serious violations of international human rights or humanitarian law — or crimes against humanity, as we have seen in Syria and Libya.

With so much at stake, Canada cannot afford to sit on the sidelines. We do not know what Canada's position is. Honourable senators, Canada must participate in taking the lead in this treaty over the next three weeks to bring about the controlling and stopping of the proliferation of small arms illegally in the world.

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, just before I move into the next item, I would like to draw your attention to the final two of our pages who are departing their tenure as Senate pages.

Ruphen Shaw was born in Taiwan but has called Vancouver, British Columbia, home since she was four years old. This year, she was on exchange to the University of Ottawa in order to take part in the Senate Page Program. Ruphen will be returning to Simon Fraser University this fall, where she will be completing her degree in biochemistry, with a minor in international studies.

Roland Troke-Barriault has spent his childhood living between Nunavut and Nova Scotia, but his family recently returned to Nunavut. He first came to the Senate as a summer student in the office of the Clerk. Roland will be completing the final year of his studies this fall in political science at the University of Ottawa, and hopes to one day pursue a career in the field of law.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE SENIOR MANAGEMENT AND OFFICIALS OF THE CANADIAN BROADCASTING CORPORATION

Hon. Hugh Segal: Honourable senators, I give notice that, two days hence, I will move:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view of the importance of

- (a) Radio Canada International as the voice of Canada around the world; and
- (b) short wave radio in oppressed regions worldwide that are denied access to the Internet.

[Translation]

QUESTION PERIOD

ANSWER TO ORDER PAPER QUESTION TABLED

HUMAN RESOURCES AND SKILLS DEVELOPMENT—CANADA PENSION PLAN

Hon. Claude Carignan (Deputy Leader of the Government): tabled the answer to Question No. 35 on the Order Paper — by Senator Callbeck.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business,

the Senate will address the items in the following order: Bill C-23, Motion No. 47 and Bill C-11, followed by other items in the order in which they stand on the Order Paper.

CANADA—JORDAN ECONOMIC GROWTH AND PROSPERITY BILL

THIRD READING

Hon. Pierre Claude Nolin moved the third reading of Bill C-23, An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan.

He said: Honourable senators, we examined this bill yesterday in committee. I understand the dismay of some of my colleagues who know that this bill was introduced in the House of Commons in a number of different sessions and that members of that chamber were able to examine it ad nauseam while we had only one day. Nevertheless, honourable senators, we must not delay in passing this bill just because the MPs took more time.

Why did Canada conclude this free trade agreement? For those who are wondering — and Senator Downe mentioned this — the volume of trade between Canada and Jordan is small compared to our trade with other countries. However, the fact of the matter is that this agreement is of strategic importance to Canada, given Jordan's geographic location and our desires for world peace and security.

Honourable senators will understand that it was important that Canada sign this free trade agreement, particularly since our main economic partners, for example the United States and the European Union, have signed similar agreements. The agreement with the United States has been in effect for a year now and the agreement with the European Union will come into effect in two years.

The time frame for the elimination of tariffs between Canada and Jordan will be more or less the same as the implementation of the agreements with the United States and the European Union.

This is the first free trade agreement that Canada has signed with an Arab country. Even though it is small, it is a stable Arab country. This stability is respectable and highly regarded in the Arab world. Although Jordan's political structure is not exactly what we would like to see, King Abdullah has nevertheless managed to maintain relative peace in a rather tumultuous environment. Consider that country's neighbours: Iraq, Syria and Israel.

Without going into too much detail, I have explained why it is important that Canada enter that part of the world's markets.

Although Jordan is a relatively small market, Canadian companies are already doing business there. It was important to protect those markets, no matter how small. For instance, think of our Western farmers who grow lentils. The people of Jordan love lentils and therefore buy them from our Canadian farmers. So it was important to protect those markets.

We heard from one witness representing the clothing industry.

• (0920)

We might think that the clothing industry would oppose the agreement. The minimum wage in Jordan is about a dollar a day, not ten dollars an hour. If we compare a garment made in Canada to one made in Jordan, which country do you think has the manufacturing cost that is most advantageous to the seller? Jordan.

Nowadays, Canadian clothing wholesalers no longer manufacture clothing in Canada. They contract out the manufacturing to other countries and, at this time, Bangladesh is the country of choice. Signing this agreement with Jordan will allow Canadian wholesalers, those who place orders for the manufacture of clothing, to have choice, and there will be competition to see who will produce the best clothing for the best price.

The Parliamentary Secretary to the Minister of Industry appeared before the committee, and the representatives of the various departments involved all supported this agreement. We also heard from two experts. I mentioned the clothing expert, but we also heard from an expert in international trade agreements, a former Canadian official who today teaches at Carleton University. And although he is not absolutely thrilled with this free trade agreement, he does support it because it is symbolic.

The parties signed the agreement in June 2009. There were three rounds of negotiations in one year and everything was settled. This is a simple agreement that only includes the agreement on goods and nothing else. There are two side agreements, and I will say a few words about one of them.

This agreement is symbolic because Canada is sending its trading partners the message that it can get along even with the smallest countries in the world, with countries that do not share its democratic values.

The side agreement on labour is also important for the garment industry. I am sure that some of you can picture children forced to do hard work for very little pay under conditions that would be unacceptable in Canada. This side agreement on labour imposes the same employer-employee labour relations standards on Canada and Jordan.

Think of all the labour standards we have in Canada at both federal and provincial levels. Jordan will have the same standards. Imagine equality, non-discrimination, the abolition of forced child labour, regulations for migrant workers, and workplace health and safety standards. In addition, minimum wage — even though it is too low — would be regulated. All of this will come into effect once Canada ratifies this treaty.

Those are the positives. Imagine a Canadian citizen, a garment buyer who visits a manufacturer and wants him to make T-shirts. He visits his Jordanian supplier's factory and finds that seven- or eight-year-old children are working there, which violates the standards. The manufacturer can go back to Canada and file a complaint as an individual. Canada can file complaints, and so can individuals.

If a Canadian tourist visits Jordan and thinks he has discovered an irregularity in some work environment, he can, upon returning to Canada, file a complaint. That will automatically trigger the investigation process and follow-up if the complaint is justified. If the investigation turns up something of interest and shows that labour standards were violated, actions will be taken and Jordan will have to pay very stiff fines.

Honourable senators, these are all of the reasons why I believe we should pass Bill C-23 at third reading. This is a good agreement. I wish we could have spent more time studying it, but I think that most of us believe this is a good bill about three good agreements for Canada.

[English]

Hon. Percy E. Downe: Honourable senators, we have to ask the question: What is the rush passing the Canada-Jordan Free Trade Agreement, Bill C-23? It was only received in the Senate two weeks ago. The House of Commons had the bill and its predecessor, Bill C-8, for over 14 months, and they held 12 committee hearings and heard from over 40 witnesses. The Senate has held only one meeting and heard from only seven witnesses.

The process was so rushed that we did not even hear the Minister of International Trade, the Honourable Ed Fast. The government sent only the parliamentary secretary to the minister. We all remember Senator LeBreton saying, when she was in opposition, "No minister, no bill." Has her opinion changed?

The Liberal opposition submitted a list of 16 witnesses. Only one of these was available to appear. For example, one witness received an email on Wednesday, June 27, at 2:40 p.m., wondering if they would drop everything and appear the next morning before the Standing Senate Committee on Foreign Affairs and International Trade. Another witness, who received an invitation on Wednesday afternoon for an appearance Thursday morning, was in Spain.

Talk about not being prepared. This is no way to conduct a serious review of the bill. Indeed, I would argue it is no way to run the Senate. On what basis are we to support this legislation without proper hearings? Has the Senate simply become a rubber stamp for the federal cabinet?

As all honourable senators know, the responsibility of this chamber is to carefully review legislation passed by the House of Commons. How did we do our job with this bill? Did we meet our responsibilities? Why did the government want to rush this bill through the Senate? By rushing this bill, what did we miss? What areas required further study?

Let me highlight some areas from the House of Commons' study of the bill. After all, they had over 40 witnesses and 12 separate committee hearings. Honourable senators may have been interested in hearing other witnesses, had we had the time.

In the House of Commons, on March 29, 2012, the International Trade Committee heard from Mr. Jeff Vogt, Legal Adviser from the Department of Human and Trade

Union Rights at the International Trade Union Confederation, who spoke to the committee about workers in factories in Jordan. He said:

The issue of recruitment fees to a third party remains a serious concern. Migrant workers often are required to pay substantial fees to recruitment agents and sub-agents in their home countries. Workers in over 40% of factories indicated that this debt adversely affects their freedom to leave their jobs. There are no provisions in Jordanian law to ensure that workers have not been recruited under such circumstances.

• (0930)

The same day, the House of Commons International Trade Committee heard from Mr. Charles Kernaghan, Director of the Institute for Global Labour and Human Rights. In reference to the U.S., which signed an agreement on trade with Jordan 10 years ago, he stated:

When the institute began its work in Jordan, we discovered that over the course of the five years from 2001 until 2006 —

That is when the trade deal was in effect:

— the United States-Jordan free trade agreement had descended into human trafficking of guest workers, who were stripped of their passports, held under conditions of indentured servitude, and forced to work gruelling hours while being cheated of their wages.

After our report was released, there were some minor improvements. For one thing, many of the guest workers received their passports back again.

The institute just released a report on March 28 of this year.

It is on a factory called Rich Pine, in the Cyber City Industrial Park. It makes clothing for Liz Claiborne and J.C. Penney. . . . Its Chinese and Bangladeshi guest workers are working 14 hours a day, seven days a week. They are at the factory 96 hours a week. That's just the norm. They have had only one day off in the last 120 days, in the last four months. The workers are being paid about 70¢ an hour, which appears to be . . . It is below the minimum wage in Jordan, which is 74.5¢.

The workers have no rights whatsoever. It's a real sweatshop. Workers are housed in primitive dormitories. The Chinese workers and Bangladeshi workers have no voice.

He concluded by saying:

I want to talk finally and briefly about the Classic factory in Jordan. It's the largest factory in Jordan. There are 5,000 workers from Egypt, Bangladesh, Sri Lanka, and China.

They have \$125 million of exports to the U.S., most of it Walmart and Hanes. The workers are working 14, 15 hours a day. Maybe they get two Fridays off a month. The workers are slapped, screamed at. When shipments have to go out, they'll work 18-and-a-half-hour shifts.

But that's the least of it. What we have discovered is that at the Classic factory, Jordan's largest factory, there are scores and scores of young women guest workers who have been raped at the Classic factory.

I'll tell you how we found out about this. We were in Jordan in December of 2010. Young women came to us and gave us disks. They gave us tapes that they had made themselves with their cellphones testifying about the rapes, pleading that we help them, pleading that we stop the rapes.

A young woman, Kamala, told us about the men . . .

In her case, it was a general manager. She said:

I was molested in every way. . . . That man tortured me. He took a lot of sexual advantages from me. . . I had to fulfill everything he desired because I was placed in an extremely vulnerable situation and intimidated. . . My whole body is in pain. . . . I cannot face my mother and father. I am destroyed. I cannot even change clothes before my mother because Priyantha has destroyed me. I have teeth marks all over my body.

She goes on to say that she was so horrified . . . she would have committed suicide:

I cannot take my own life because. . . . I am the only one to take care of my parents. This is why I came to here . . .

It goes on and on. It's in our report. It's in our updates.

Mr. Kernaghan concluded:

I see very big problems in Jordan and the lack of respect of human and women's rights.

What would the Senate have recommended if we heard similar testimony? What new areas would we have uncovered if we did a review of this legislation? Would we have recommended to the government that we would only agree to the trade agreement if working conditions were improved and enforced, particularly for women from other countries who work in factories in Jordan?

As we rush this bill through the Senate, honourable senators, you may want to ask yourselves about that as we start our summer break. When you are enjoying a barbecue over the next few weeks, you may want to ask yourself about the conditions of those workers in the factories in Jordan. You may want to ask yourself this: Did we miss an opportunity to improve their lives and still have a trade deal? You may want to ask yourselves if senators met their responsibilities in rushing this bill through.

Honourable senators, you may ask those questions, but you may not like the answers.

[Translation]

Hon. Roméo Antonius Dallaire: Would Senator Downe agree to take a question?

[English]

Senator Downe: Yes, of course.

[Translation]

Senator Dallaire: I may have missed this in your presentation, but what about the use of child labour in the various industries you mentioned?

[English]

To what extent is Jordan abiding by the child labour laws in international conventions that have, in fact, been signed by Jordan and other similar countries?

Senator Downe: Honourable senators, there is no indication, as Senator Nolin said, that child labour is a problem. I am talking about migrant workers, mainly women, mostly over the ages of 16 and 17.

Senator Dallaire: Child labour laws cover 18.

Senator Downe: I did not know that.

[Translation]

Senator Nolin: Honourable senators, I have a question, if I may, that might help answer Senator Dallaire's question.

I understand that Senator Downe was referring to migrant workers. Indeed, there are no minors in that group, but the labour agreement covers basic labour standards that prevent young people from working in this type of industry and that also protect migrant workers.

Yesterday, Senator Downe and I heard officials explain how this side agreement on labour will be set up, and the binding components of this agreement. Do you not think that a terrible story like the one you just told us, although still possible, could give rise to a formal complaint by a Canadian who finds out about the situation there, or hears about it, as you did?

[English]

Senator Downe: Complaining is not the problem; enforcement is the problem.

Senator Nolin: Of course, enforcement is the problem, but the penalties associated with the proper enforcement are huge. We are talking about millions of dollars. For a small economy like Jordan's, it will be big.

Enforcement is always a problem. We are talking about trade sanctions and trade negotiations. I think the appropriate enforcement mechanism will be used to fulfill the objectives of the accord.

Senator Downe: The honourable senator asks a very good question. Does it not highlight the weakness that we had only one hearing with seven witnesses? Those are things we could have pursued and your questions are very good.

The reference in my speech was to the review that was done in the United States-Jordan trade agreement that was signed ten years ago. Five years in, this is what they found with the lack of enforcement, and that is the story that I recounted to the Senate today.

Hon. Terry M. Mercer: Honourable senators, I have a further question for Senator Downe. What provisions are there for enforcement of the rules that have been referred to by Senator Nolin? Are they strong enough? He talked about the ability to complain. Complaining is one thing, but action is another. Are these provisions strong enough, in the honourable senator's opinion?

Senator Downe: Honourable senators, I cannot answer that question because we only had one hearing and we did not explore that in any great detail.

Hon. Consiglio Di Nino: Honourable senators, I have a few brief comments. Senator Downe knows that I have a great sympathy for the issues he raises.

I believe all honourable senators know of my involvement with the Tibetan community in Canada. I was one of a number of people many years ago who would stand in front of plazas and other commercial enterprises, carrying a sign with the message, in effect, "Boycott Made in China."

• (0940)

My Tibetan friends taught me a lesson that applies here as well. They suggested that to isolate, in effect not to engage in dialogue, is worse than to be there. As a matter of fact, at a conference, His Holiness made a similar comment to the gathering. There is no question that not every country has the same standards or respect for rights, values and fundamental principles of fairness that we have in this country. We are not perfect either, but I think it must be considered that engagement with these countries and not isolating them — that is, to be in the tent with them — can help those people in those countries that are working toward democratic values and democratic rights.

I use as an example what I think is happening in China today. I never thought I would be able to say this, but I am quite encouraged at the changes taking place in China today. I think there is just a glimmer at the end of that tunnel — maybe it is not quite a light yet — and it is in large part because the world has engaged with China. Although I am totally in agreement with Senator Downe that we should always try to ensure that we raise these issues and defend them, I believe that to engage with these countries is better than to isolate them.

Hon. Mobina S.B. Jaffer: May I ask Senator Di Nino a question?

Senator Di Nino: Yes.

Senator Jaffer: When Senator Di Nino decided to leave our chamber, with him we lost a defender of minorities all around the world. I want to acknowledge the great work that he does for so many people.

Hon. Senators: Hear, hear!

Senator Jaffer: Most people know about his work in Tibet, but he does tremendous work in Kurdistan. I did not know about that until recently.

The honourable senator made a statement that we have to be vigilant. If anyone knows about that, Senator Di Nino knows that because in Tibet he has been vigilant. I agree with that we do not have to isolate. That is why we are looking at this agreement. However, when we look at this agreement we are aware that there are terrible atrocities happening against migrant workers in Jordan. As a vigilant country, does the honourable senator not think that that should have been part of our agreement before we proceed, to ensure vigilance in protecting the rights of the most vulnerable in this world?

Senator Di Nino: For me the answer is simple: We could put up barriers in dealing with people on the other side of an issue, or we could extend a hand.

I spent 37 years as a banker, so I will put on my business hat for a moment. In negotiation you sometimes have to accept what you can take, as long as it is within a defined range, so that you can continue to at least establish a relationship, build trust and build a relationship so that you can do things together. That applies in this case as it does in business. The alternative would be the fact that there were hearings. Were there enough hearings? I will let the committee deal with that. I do not want to get involved in that debate, especially today, my last day.

Having said that, I still think that if we have an opportunity to engage with these countries, I am now convinced, after nearly a quarter of a century of dealing with that, that it is better to be in there with them. The results seem to be pretty well universally agreed that we improve the situation by being there and by not isolating them.

Senator Dallaire: Would the honourable senator take another question?

Senator Di Nino: Yes.

Senator Dallaire: I am in total agreement that it is only by engagement, by extending a hand, by face-to-face discussions and by creating the human links, ultimately, that we will resolve conflicts.

Let us put it to another dimension. Would the honourable senator agree that our boycotting things like the Durban conference on human rights, or maybe even boycotting the Commonwealth Conference because we do not like some of the dictators there, is pejorative to the philosophy of actually going after these people and ultimately influencing them, maybe, to change their minds?

Senator Di Nino: There are times when you have to stand, as I did, with a big banner that says "Boycott made in China." You have to make that statement. If you want the perfect example of how that works and how it results in things that have improved the situation, it is Brian Mulroney with apartheid in South Africa. We had to do that and we need to do that still. This is not the same situation. This is a negotiation between two countries that already have a relationship to extend that relationship to include an exchange of goods and services, which I honestly believe will eventually help the situation in that country.

Hon. Francis William Mahovlich: Honourable senators, I want to compliment Senator Di Nino. If he can recall, back in 1972 we engaged Communist Russia. We engaged with them, and look what happened. We not only won, but what happened to Russia? The wall came down.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I have something to say because I am a member of the committee that carried out the review — and I use that term loosely — of this bill.

I would like to point out that one of the witnesses who testified called this agreement "small," as the Honourable Senator Nolin did. I would instead use the term "insignificant" because it does not represent very much in the way of trade.

One of the witnesses told us that the reason we should sign this agreement and pass this bill was simply to show the world that we are open to doing business.

The government is saying that we are going to work with these people and open a dialogue, but I think that the dialogue will probably be limited, since this trade agreement itself will be limited in terms of trade with this country.

It is true that it is not a bad thing to sign the agreement, but we may have missed an opportunity, as the Honourable Senator Percy E. Downe pointed out, to have a look at an issue that is important to us: foreign workers who work in industry. If we had had the chance to have a few more committee meetings, we could have heard from more witnesses. Senators must understand that it is not easy for people who want to speak before a Senate committee to find the time to prepare a brief, because these people work and have responsibilities.

I dislike this aspect of our hearings. We should have taken a little more time to more carefully study this bill.

[English]

Hon. Don Meredith: Will the honourable senator take a question?

Senator Di Nino: Absolutely.

Senator Meredith: In light of what we have heard today — and Senator Downe spoke eloquently about the atrocities that have taken place — is the honourable senator confident that Canada's position on the world stage in terms of protecting those individuals who then victimize is such that we would not enter

into a full agreement if we saw these atrocities that have come to light? That is, we would not be party to through the implementation of this agreement in light of what Senator Nolin has indicated, that there is still room for improvement and that there is a complaint process. Is the honourable senator confident that we would not go further with this agreement in light of what has been talked about by our senators?

• (0950)

Senator Robichaud: As I said, I think our engagement would be quite limited. We did not have the time to really have a look at what was happening. What Senator Downe said came not through the witnesses but through a report from some other place. I would have liked to have gone and made the point so that, when this agreement comes into force, there is something on the record from the Senate hearings that we should work on, but we did not have time. I sincerely hope that when we begin to trade, that we bring those points to the attention of those people.

As Senator Nolin was saying, if one visitor from Canada to Jordan sees things that should not happen, like child labour or forced labour, he can make a report and actions can be taken, but the problem is with the enforcement. I am not convinced that we have looked at that like we should have.

Hon. Art Eggleton: I have a question, if I might, for Senator Robichaud. We are hearing from both sides of the house an absolute abhorrence about what we are hearing could be going on. I realize they are allegations at this point, but they need to be explored further. What mechanisms are there for this exploration? Do we need some sort of amendment to ensure that there is further investigation of this issue?

Senator Robichaud: Honourable senators, at this point, I suppose we could move an amendment, but it is somewhat late in the process. The proposed legislation has been through committee. This issue should have been dealt with in the hearings at the committee stage, where we could have called witnesses to ensure that whatever we proposed could have been a remedy to whatever happened, if it happened. The information was quite limited. This is where committees do their work. They look into the issues before them and the history and what will follow if we enter into a trade deal.

As I said in my opening remarks, one of the witnesses said the only reason we should sign this agreement right away is to show the world that we are open for business. That, for me, is not the right reason. We should have taken the time to look into that matter further.

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Carried, on division.

(Motion agreed to and bill read third time and passed, on division.)

[Translation]

COPYRIGHT ACT

BILL TO AMEND—ALLOTMENT OF TIME FOR DEBATE—MOTION ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of June 28, 2012, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-11, An Act to amend the Copyright Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, I would like to say a few words to emphasize the importance of this motion, which, today, I would like to refer to as a motion to manage the legislative process in a timely manner, rather than as a time allocation motion.

I urge all senators to support this motion.

[English]

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, as we near the end of this session, I think it is appropriate to reflect on the work that has been done and, in particular, on the way in which we have gone about that particular work. I want to address my remarks particularly to my friends on the other side of the aisle.

Honourable senators, this is the fourth time in just over a week that the government has moved time allocation in this chamber. Since November, there have been eight time allocation motions tabled. Honourable senators will remember that the government withdrew a time allocation motion calling for a possible pre-study on the Wheat Board bill, but we received the bill before that motion could be considered. The government did move time allocation for both the second reading and the committee stage of the Wheat Board bill.

In short, the Senate's work on government legislation has been shut down seven times in the past seven months. Let us be clear that this has not happened because of an obstructionist opposition. We have never filibustered. We have never taken undue advantage of those provisions in our rules that enable

opposition senators to delay the consideration of government legislation. I have stated our position on this clearly and repeatedly, in public and in private. The government has known that our side has had no intention of unduly delaying their bills, yet time allocation has been used seven times in the past seven months.

On virtually every occasion, the government gave notice of time allocation on the first day of debate, usually after just one or two speeches. After less than an hour of debate, after hearing one person's thoughts, the government decided that it had heard enough.

There are two consequences to this approach to the work of Parliament. The first and most obvious is that our examination of important government legislation has been radically truncated. This is not just an issue of time, honourable senators. The quality of the Senate's contribution necessarily suffers. I think the remarks of Senator Robichaud a few moments ago with respect to the Jordan free trade bill bear that out.

There is no possibility to reflect upon what a colleague has said, ideas that they have been raised or changes proposed before we are asked to speak or forever stay silent on that bill. This means that any senator's intervention will have little if any impact, no matter how insightful, no matter how critical the issues raised, no matter the wealth of knowledge and experience reflected in that contribution and no matter how helpful the solution or suggestion proposed.

This means we are going through what is essentially a pro forma exercise: put in the time, make the speeches, stand and vote. Nothing matters but that the government's legislation gets passed as is, no changes, however much a bill may need amendment.

Honourable senators, we are a chamber of sober second thought. A metaphor that is commonly used is that we are like a saucer that cools the tea, a place where the benefit of time and reflection can enable flaws or unintended consequences to be seen before a bill is passed into law. The goal of all this, of course, is for the two chambers together to produce the best laws possible for Canadians. Time allocation does not allow much time for cooling. In fact, it only heats up the debate, and that is the second consequence I want to highlight.

Instead of debating the substance of the legislation before us, and each of these bills has been far-reaching, with profound impacts upon Canadian lives and indeed in some cases their very liberty, we are forced to engage repeatedly in rancorous debates on the process. Some may suggest that this is exactly what the government wants. If parliamentarians are debating time allocation, then that is when the narrative, as some people say, shifts from the bills themselves to a discussion of the process. Let us face it, Canadians generally cannot relate to those kinds of debates, and so some undoubtedly lose interest. If the government is advancing controversial legislation — and I think we would all agree that every bill for which time allocation has been proposed is highly controversial — then from the government's point of view, the fewer Canadians who follow the progress, the better.

• (1000)

Now, that would be the most cynical view. Certainly it is not an approach that respects the views that Canadians may have on proposed legislation, and without question, it is not an approach that respects the views of any parliamentarian sitting in this chamber on either side of the aisle. Most important, it is not an approach that respects Canadian parliamentary democracy.

If that is wrong, if that cynical view is not justified, then the only conceivable reason for the government's repeated recourse to time allocation is its own inability to manage its agenda.

Let us look for a moment at the legislative history of each of the bills for which the government has imposed time allocation just in the past 10 days.

Bill C-38 is the massive budget bill. Much has been said about the physical size, physical length of the bill and the sweeping range of issues addressed in this single omnibus bill.

It arrived in the Senate last week, very late on Monday night. On Wednesday, the Conservative sponsor of the bill, Senator Buth, spoke. Senator Day, our opposition critic and Chair of the National Finance Committee, rose and spoke briefly before proceeding to adjourn the debate for the duration of his time. At that point, the Deputy Leader of the Government in the Senate gave notice of time allocation.

One speech from the government sponsor of the bill and a few words from the opposition critic with the promise and expectation of much more to follow, and the government moved to cut off debate.

Remember, honourable senators, this was our first opportunity to debate this bill in the full chamber. Recognizing the massive size and scope of the bill, we on this side cooperated with the government and agreed to take the unusual step of conducting a pre-study of that bill. We divided the bill into separate sections for pre-study by six different Senate committees. Although our committees did their best — and I reiterate our appreciation for the work that the members of those committees did — let us not deceive ourselves or mislead Canadians. Our examination was still woefully inadequate for a piece of legislation of such size and far-reaching scope.

I doubt that anyone here could seriously argue that the examination of Bill C-38 was the kind of detailed study the Senate is capable of and indeed has done so well in the past.

Of course, no reports were tabled in the Senate by the committees that conducted those pre-studies. Again, I can only surmise that the reason was lack of time. The committee members must have recognized that they, too, did not have adequate time to consider and then distill the evidence they heard into a concise report or set of recommendations. The result, of course, was that the pre-study, already inadequate because of the time available, necessarily was of very limited value to our consideration of this important and massive bill.

Honourable senators will remember that the transcripts of the evidence heard before those committees was transmitted as a pile to the members of the National Finance Committee, and I doubt that the members of that committee had an opportunity to review

that evidence in any detail before they were called upon to pass clause-by-clause consideration of the bill. I am not criticizing them or the members of any committee that did pre-study; as I said, they did the best they could under the circumstances.

As soon as debate started in the chamber, time allocation was moved. Again, let us be clear and honest with Canadians. There was no objective reason for time allocation to be imposed on the consideration of Bill C-38.

Government spokespersons and officials were asked repeatedly to point to provisions in the budget bill that were time sensitive. They could not point to a single one. In fact, some of the provisions — for example, the controversial amendments to Old Age Security — will not even be phased in for a decade. How is that so time sensitive that it had to be passed urgently, with no time for serious examination and debate?

There was nothing urgent about the bill itself, or at least nothing that the government told us about. We, on our side, were absolutely clear, publicly and privately, as I have said, that we had no intention of obstructing or unnecessarily delaying consideration of the passage of the bill, yet after one speech, the government gave notice of time allocation. In the words of our Speaker, spoken when he was in our position, on the opposition benches, the government brought down the guillotine.

So much for the second reading of Bill C-38. That was last Thursday.

Next up, indeed the next day, notice of time allocation was given on Bill C-31. Bill C-31 is a mini omnibus bill, this time dealing with immigration and refugee law. Why do I call it a mini omnibus bill? Here is the official title: An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

Honourable senators, let us look at the legislative history of that bill, which as you have heard is, like the budget bill, a very controversial bill, not only amongst senators but also amongst Canadians who have communicated with all of us, I am sure, on this bill.

This bill arrived in our chamber on June 11, not even three weeks ago. We debated it for one day in this chamber at second reading and then referred it to our Standing Senate Committee on Social Affairs, Science and Technology.

Our committee spent four days on the bill, and that includes their time doing clause-by-clause consideration and drafting observations.

On June 22, last Friday, the bill came up for third reading debate. The sponsor of the bill, Senator Martin, spoke very briefly, and I think all of us acknowledge that she did an excellent job of putting forward the government's rationale for this bill. Then our critic, Senator Jaffer, gave an equally well-thought-out and well-delivered response on behalf of the opposition. Then, as is now the government playbook, the Deputy Leader of the Government rose and gave notice of time allocation.

This important bill that overturns much of Canadian immigration and refugee law was forced to a final vote on Wednesday, two weeks and two days after it was tabled here for first reading.

Honourable senators, let us contrast what took place here with the bill's study in the other place.

The bill — we are talking about the refugee bill here — was tabled on February 16 and then sat on the Order Paper for almost three full weeks until March 6, when the government brought it forward for second reading.

Honourable senators, think about that for a moment. The government let the bill sit at first reading, no action whatsoever, for longer than it gave members of this chamber to complete all stages of the bill from start to finish.

Senator Mercer: Disgraceful.

Senator Cowan: The bill had six days of second reading debate in the other place, 15 committee hearings, three days of debate at report stage, two further days of debate at third reading and then, and only then, did it come to us. In all, the bill was in the other place for four months, and we had the guillotine slammed down after one day of debate and two speakers.

Senator Moore: So much for sober second thought.

Senator Cowan: Why, honourable senators, was this suddenly so urgent? The Deputy Leader of the Government told us it was because a number of immigration and refugee reforms passed by this chamber two years ago are set to come into force on June 29. Therefore, we need to pass the bill before that day, in his words, "to avoid the need for a multitude of bureaucratic measures and to prevent potential errors from being made when the system is implemented."

• (1010)

I want to pause for a minute here to remind honourable senators that we joined with the other place back in 2010 to pass certain reforms. The government did not like those reforms, but it was a minority government back then. However, Parliament, including members of this chamber, passed it. Instead of respecting what Parliament passed, now that it has a majority in both houses, the Harper government introduced this bill to undo those changes and, to add insult to injury, said we had to move fast without time to properly study or debate the bill to ensure that those changes, which we ourselves legislated two years ago, do not ever take effect.

Of course, the government either did not realize that it faced this deadline or was so sanguine about its power to simply impose time allocation in this chamber that it let the bill languish on the Order Paper in the other place for three weeks before even bringing it forward for second reading debate. When after months it finally came to us, suddenly, all this urgency, no time for serious study, very little time to hear from Canadians, and as soon as the debate begins, slam, down comes the guillotine, debate silenced. Honourable senators, that is how little respect the government has for our views and for your views.

Bill C-31 addresses people's lives, refugees fleeing horrendous circumstances and children who have seen untold horrors. Surely they deserve better from their chosen country of refuge than a law passed in such a slipshod, off-the cuff way.

Now we have Bill C-11, a bill that makes extensive changes to our copyright law. Again, there has been very little evidence that this bill has been a matter of urgency for this government — importance, unquestionably — but urgency, no.

This is the third copyright bill tabled by the Harper government. The first was Bill C-61, which was introduced on June 12, 2008, in the other place. It sat at first reading for three months — no action by the government. Eventually, it died on the Order Paper. That was when Prime Minister Harper called an election after two years, contrary to his own fixed election law. As I recall, the reason was that Parliament had become dysfunctional. The only dysfunction with respect to the copyright bill was his own government's refusal to bring it forward for debate.

Then the government waited. It waited until June 2010 when it tabled Bill C-32. Having waited two years after tabling the last copyright bill, Prime Minister Harper was evidently in no hurry to move forward with his new one. That bill, Bill C-32, sat on the Order Paper for five months before even being brought forward for second reading. There were several days of debate in the other place; then the bill was referred to a special legislative committee that held 17 hearings. Another election intervened, and that bill, too, died on the Order Paper.

Now we have Bill C-11. The pattern seemed to hold. The government tabled the bill in the other place in September 2011. There were 10 days of debate in the other place. Then the bill was referred to a special legislative committee. That committee held 10 days of hearings. For those who are keeping count, that is 27 days of committee hearings in the other place on the government's copyright proposals. There were two days of debate at report stage, two days of third reading debate, and then the bill arrived here on June 18th. That is nine months after it was introduced in the other place.

Two separate legislative committees were established in the other place to study the Harper government's copyright proposals, and as I say, in total, 27 different committee hearings.

Also, honourable senators, it is important to note that none of the Harper government's copyright bills has ever reached the Senate before. The first opportunity our Senate committee had to study this government's proposals was last Thursday, just over a week ago. The sponsor of the bill, Senator Greene, in fact, underscored this himself yesterday when he said that this is "the first time in over 15 years that the Senate has had the opportunity to review this important piece of legislation."

He went on to note, "Intellectual property law is complicated and updating it is a balancing act."

Our Banking, Trade and Commerce Committee did its best, honourable senators. It sat long hours in three days trying to hear as many witnesses as it could possibly cram into the limited time available to it, but three days, honourable senators, for a bill that

is designed to modernize our entire copyright law, a subject that the sponsor himself has acknowledged is complicated and whose updating requires careful balancing. There was no time to reflect on what each witness had said, and, indeed, there was hardly any time to examine each witness that took the time to come before our committee. Then the committee had to immediately report the bill back to this chamber the day before yesterday. That is the extent of the Senate's study of this important, complicated bill.

Of course, Senator Carignan had to do his usual dance — I think he has it down pat by now — and move time allocation.

As for the question of urgency, there is none that I can see. Certainly, the government did not manifest any urgency in its action or inaction with respect to this bill or its predecessors in the other place. There was no indication that there were any time deadlines or urgency with respect to this bill.

Honourable senators, why are we being asked to abdicate our constitutional role in this way? Why are we now routinely being cut out of the legislative process, prevented from doing the job we were summoned here to do, a role that is mandated under the Constitution and that our predecessors in the Senate have fulfilled since 1867?

Worse — and I said I would address these comments to my colleagues on the other side — why are honourable senators opposite so willing to relinquish their role, to decline to do the job that is demanded of them and of all of us by Canadians who pay our salaries?

An Hon. Senator: Hear, hear.

Senator Cowan: Senator Brown rises from time to time to speak of Senate reform and his wish that senators would live up to the independence that is the best of this chamber. I do not share his optimism that all would be made right if only senators were elected. Certainly, the experience in the other place suggests that that does not lead to independence.

Senator Tardif: That is right.

Senator Cowan: We have as much independence here in this chamber, honourable senators, as we will ever have. None of us here is in any way beholden to any government. That is why our tenure is what it is, but I deeply share Senator Brown's concern over the apparent willingness of senators to relinquish our constitutional role and responsibility, which, at its most fundamental, is to act as a check — not an enabler — on the power of the executive, the government of the day.

That is what is at issue here: The government's determination to impose its will and flagrantly ignore and bypass as much as it can this chamber of Parliament. If we on all sides of this chamber accept the government's evident disdain for our considered views, if we accede to the repeated and relentless pushing through of legislation with no opportunity for us to do our job and then the ultimate guillotine of time allocation, honourable senators, make no mistake — that is our choice then. It is we ourselves who bring down the guillotine, a kind of suicide for the Senate.

• (1020)

I do not believe that any of us, wherever we sit in this chamber, came to the chamber to be a party to that. We have worked together for some time now, and I am confident that each one of us came here because we wanted to make a contribution; we wanted to do our part to make Canada a better place. The road that we are now travelling is not how we accomplish that, honourable senators.

I hope that when we return in the fall, we will have had an opportunity to reflect over the summer on what we are doing to this institution and to its role in the Parliament of Canada, and indeed what we are doing to Canadian parliamentary democracy.

Some Hon. Senators: Hear, hear.

Senator D. Smith: Bravo.

The Hon. the Speaker: The Honourable Senator Brown, questions and comments?

Hon. Bert Brown: Would Senator Cowan allow me a question, please?

Senator Cowan: Absolutely.

Senator Brown: The honourable senator brought me into this discussion this morning, so I would like to respond. The honourable senator said that he has all the power he will ever have. Does he not believe that if all future senators were elected by their own province to come into this chamber and to speak on any bill from their province, whether they want to support that bill or to make a change to it, they would have much more power if they had a vote that was not commanded by a political party, a federal political party, but was actually commanded by the provinces they served?

Senator Cowan: I thank the honourable senator for the question. He and I have had this discussion before. As he knows, I do not support the government's proposed legislation, which would, through the back door, try to circumvent the provisions of the Constitution, which I think both he and I agree we should respect.

I am not sure that a Senate composed of representatives produced through this process of selection election will be good. I do support, as the honourable senator knows, the provisions relating to term limits. I absolutely agree that term limits are appropriate.

I am also not opposed, as the honourable senator also knows, to the concept of electing senators. I think that the approach of the government to this issue is wrong, and I oppose it for that purpose. I am not opposed, as the honourable senator knows, to the concept of electing senators. However, I think we must look at that, as we have discussed, in a broader context in terms of parliamentary reform involving the appropriate powers. If we simply have two chambers elected by the same method, and without any deadlock-breaking mechanism, then we have the type of chaos and deadlock that exists in the U.S.

[Senator Cowan]

I sincerely hope that before very long we will have an opportunity — all of us in this chamber — to debate either the current proposal from the government or an amended proposal, and I think that would be an appropriate time to debate this issue.

An Hon. Senator: There will be time allocation on it.

Senator Brown: One more comment.

I thank the honourable senator. I want to compliment Senator Cowan on his efforts and on his speech. However, I have to tell honourable senators that we received a new Angus Reid poll last night. We went up three points, not down three points.

The people of Canada are the ones who want to decide this, and that is how we want it decided. We want the people of Canada, in their provinces, to have the right to what the Constitution actually says. If one looks on page 7 at the very top, it says that senators are to represent the province in the province. Then it lists the numbers of senators that should be from each province.

We want a chance for those people who want to go forward with elections ultimately to have a stand-alone constitutional amendment and decide both the powers and the numbers of the Senate. I have given the honourable senator a paper on that. If he has lost it, I will be happy to provide him one in the next five minutes.

Senator Cowan: I certainly have not lost the honourable senator's paper. I have read it over several times.

I think the honourable senator and I will perhaps engage in a debate that is better held for another day, but it is passing strange that the two people who purport to be elected senators are about to vote on time allocation closure on an open, democratic debate. I think that is passing strange, honourable senators.

Senator Tardif: So much for independence.

The Hon. the Speaker: The time is over. Is there further debate?

Senator Comeau: Question.

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Yes.

The Hon. the Speaker: It was moved by the Honourable Senator Carignan, seconded by the Honourable Senator Poirier, pursuant to rule 39, that not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-11. All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

• (1130)

The Hon. the Speaker: Honourable senators, the vote will take place at 11:25 a.m. It is a one-hour bell.

[Translation]

• (1120)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Martin |
| Angus | Meredith |
| Ataullahjan | Mockler |
| Boisvenu | Nancy Ruth |
| Brown | Nolin |
| Buth | Ogilvie |
| Carignan | Oliver |
| Comeau | Patterson |
| Dagenais | Plett |
| Di Nino | Poirier |
| Doyle | Raine |
| Duffy | Rivard |
| Eaton | Runciman |
| Finley | Segal |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | St. Germain |
| Johnson | Stewart Olsen |
| Lang | Tkachuk |
| LeBreton | Unger |
| MacDonald | Verner |
| Maltais | Wallace |
| Manning | Wallin |
| Marshall | White—50 |

NAYS
THE HONOURABLE SENATORS

| | |
|------------------|--------------------------|
| Callbeck | Hubley |
| Campbell | Jaffer |
| Chaput | Kenny |
| Charette-Poulin | Mahovlich |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |
| De Bané | Munson |
| Downe | Ringuette |
| Dyck | Robichaud |
| Eggleton | Smith (<i>Cobourg</i>) |
| Fraser | Tardif |
| Furey | Watt |
| Hervieux-Payette | Zimmer—30. |

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

BILL TO AMEND—THIRD READING—
MOTION IN AMENDMENT NEGATIVED—
VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, for the third reading of Bill C-11, An Act to amend the Copyright Act;

And on the motion in amendment of the Honourable Senator Moore, seconded by the Honourable Senator Dawson, that Bill C-11 be not now read a third time, but that it be amended,

(a) in clause 27, on page 23,

(i) by replacing lines 25 to 29 with the following:

“convenient time.”,

(ii) by deleting lines 33 to 37, and

(iii) by replacing line 41 with the following:

“students who are enrolled in the course to which the lesson relates.”;

(b) by relettering paragraphs 30.01(6)(b) to (d) on pages 23 and 24 as paragraphs 30.01(6)(a) to (c) and changing all related cross-references accordingly;

(c) in clause 34, on page 36, by replacing line 26 with the following:

“tained and may not subsequently reproduce the same sound recording, or performer’s performance or work embodied in the sound recording, unless the copyright owner authorizes further reproductions to be made.”; and

(d) in clause 47,

(i) on page 45,

(A) by replacing line 17 with the following:

“the technological protection measure, for any infringing purpose, unless”, and

(B) by replacing line 25 with the following:

“measure for any infringing purpose.”,

(ii) on page 51, by replacing lines 33 to 35 with the following:

“subsection.”, and

(iii) on page 58, by replacing lines 10 and 11 with the following:

“regulation, increase or decrease the maximum amount of statutory damages set”.

Hon. Céline Hervieux-Payette: Honourable senators, I would like to add to what has been said about Bill C-11 and to what we heard from a number of witnesses who, despite the short notice, came to shed light on a bill that all my colleagues and I find very complex and very difficult. The government must also find it difficult because it has taken many years for it to finally pass this bill today.

Nevertheless, I would like to say that we are very satisfied, although I believe the evidence we heard indicates that even though this bill may resolve some problems in some cases, it also creates a great deal of uncertainty.

I would like to give an overview of the cultural industry and its contribution to Canada's GDP. As the former head of a school board, I am especially concerned about one particular sector, and that is education.

In general, this industry contributes \$46 billion to Canada's GDP and creates 630,000 jobs. I am not referring just to education, but also to music and all creative activities. In the case of books, I do not believe that we realize the importance of this sector of the creative industry in Canada.

Unfortunately, Canada ranks below average in a study of 30 countries. A study released in January 2012 by the World Intellectual Property Organization indicates that, in terms of the general size of this industry we lag far behind the United States, where this sector represents 11.1 per cent of GDP, double Canada's 5.4 per cent; Australia sits at 10.3 per cent.

Cultural industries in other countries account for an average of 5.9 per cent of jobs. In Canada, that figure is 3.8 per cent, compared with 8.9 per cent in the United States and 8 per cent in Australia.

I think it is important to understand how this law will affect Canada's economy and to gauge the impact of implementing it. It is also important for us to be aware of the need to respond to the concerns that most of the witnesses expressed.

Canada has 3,879 recognized authors, and 45,000 Canadian titles are published each year in print and digital formats.

Sales amount to \$2.1 billion, and Canadian companies invest \$140 million per year in creating and producing books. Authors collect \$71 million in royalties and create 9,700 jobs.

It is clear that books are a cornerstone of the industry, yet that segment will be affected by the Copyright Act.

Print media and literature add more value — 40 per cent on average — than most other segments of the cultural industry, but in Canada, they account for just 25 per cent. We can do better. The good news is that Quebec is above the international average with 51 per cent in terms of Quebec creators, authors and publishers. It took us 40 years to reach that level, but I think that is very encouraging for Quebec. In fact, and I may talk about this more later, Quebec is slightly ahead of its anglophone colleagues and has promised to fully respect copyright from a legislative perspective.

Nonetheless, one of the things of concern to the entire industry is the fact that Bill C-11 has introduced 40 new exceptions. When it comes to the law, we do not expect there to be so many exceptions. Observers of the creative sector and people in the political, economic and cultural world consider these exceptions as a way of expropriating copyright.

For all intents and purposes, authors are those who justify the existence of the Copyright Act because without authors there is no industry. If the exception, according to most observers, has become the rule — and this is even more troubling in the field of education — then the bill seems to give educational institutions and all other commercial or non-commercial private training businesses the right to use any copyright-protected work without permission or compensation. It is the one exception that could have the most adverse effects on the publishing industry.

Given the close relationship between books and education, this exception could cause a contraction of up to 20 per cent in the publishing/writing sector in the next two years. That is what is so worrisome, with regard to job creation, to the entire chain of stakeholders in this industry.

As far as collective societies are concerned, copyright licensing agencies were created to facilitate the collection of copyright fees. If, every time a work was used, the user had to send the author the small amount he or she is owed, then with thousands of authors and millions of users, that approach would not work. In Canada, we have collective societies. Every year, those societies collect \$41 million and redistribute it to authors and publishers, including \$11 million in French Canada. This represents 0.5 per cent of Canada's total education budget.

I am talking about formal education at educational institutions. I am not talking about education in the broad sense because that is another sector and a whole other matter of concern to every witness who came to testify.

• (1140)

This pertains to manuals published for professional training, professional associations, language courses and industries. The Canadian Bankers Association also produces material. Will those who produced this material lose their rights as authors? The bill cannot guarantee that they will not, and that was a concern for all the witnesses who appeared before our committee.

When representatives from copyright collectives appeared before the committee, they told us that there were Supreme Court rulings. Remember that we are talking about the

management of fair use. That is what concerns most people who work in this sector, because the bill leads to the free use of works for educational purposes and does not provide any protection for the book industry.

Honourable senators will understand that the authors were also inspired by the opinions of very credible legal organizations, such as the Barreau du Québec, which said:

In several respects the bill introduces legal uncertainty in a way that will lead to greater use of the courts to determine the relations between authors, suppliers and users/consumers.

The Barreau du Québec recommended:

... The addition to section 29 of the word "education" as one of the permitted fair uses of a work gives this provision a very broad and imprecise scope, especially in light of the many new exceptions specifically for the benefit of educational institutions.

Many people, particularly representatives of the copyright collectives, came to tell us that, already, a number of educational institutions are withdrawing from the copyright collection system, except one entire province where the Minister of Education has committed to respecting all copyrights and preventing any educational institution from benefitting from or applying this exception, or in other words, thinking that it can get away without paying anything. Why would only one copy of a publication be purchased for a class of 25 students and the author not receive anything for the other 24? Anglophone and francophone authors who appeared before the committee told us that they receive only the ridiculous amount of 90¢ for a book that sells for \$10 in a bookstore. All this to say that the other \$9.10 goes to the printer, the bookstores and all the other industry intermediaries, who receive the biggest piece of the pie. The authors have reason to be concerned that they will not be receiving the 90¢ for the other 24 copies.

We also heard about the business model for educational publishers, which do only educational publishing and make up a rather large share of the market. When each educational institution starts purchasing only a single copy of the required textbooks, these Canadian educational publishing houses will simply disappear.

This government brags about creating jobs, and yet an entire sector of the economy is in jeopardy here. All the publishing houses told us that they feel very threatened. When their representatives appeared in committee, they did not come to cry, but they suggested that the government fix this problem by complying with the Berne Convention. This convention states:

It shall be a matter for legislation in the countries . . . to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

Canada signed the Berne Convention, but Canada does not automatically take the convention into account in its legislation. Not including these criteria in the legislation downplays the importance of copyright and gives authors cause for concern.

I am spending so much time talking about copyright in the education sector because it is key to knowledge transfer. It is not simply a matter of copying, but also electronic publishing, so that students can have access to educational material through as many means as possible. That is why there are copyright collectives, and these organizations unique to our country are worried about their future, especially since in English Canada, only two universities have renewed their agreements with these collectives and several educational institutions have already withdrawn.

I would like to address Quebec's position, because, honourable senators, when I am here in the Senate, of course it is my duty to represent the interests of my province and francophones. I said earlier that French-language publishing in Quebec has made more progress than English-language publishing, which has to compete with the entire English-speaking world, including the Americans. The Government of Quebec supported new legislation and recognized that it was essential to maintaining a competitive and prosperous economy in Quebec and Canada. However, it wanted better protection for intellectual property rights, particularly in the digital world.

Publishers and all teaching institutions have had to adapt to these new electronic modes of sharing knowledge that comes from the mind of an individual or teacher who puts this new knowledge down on paper, or records it electronically, and then shares that knowledge with students to prepare them for the future. That is certainly one way of sharing knowledge with a wider audience, as long as it is done in a way that is fair and equitable.

The Government of Quebec did not and does not support expanding the fair dealing exception for the purpose of education, because there is no real guarantee. Most of our witnesses interpreted this as being able to get around paying copyright when material is reproduced for educational purposes. For Quebec alone, this would mean a loss of \$40 million, and another \$25 million for film use.

The Government of Quebec is well aware that it has budget woes. It is having financial difficulties, just like all other provincial governments, but it will not sacrifice authors for the sake of its budget.

I would also like to take a look at ephemeral rights. The Canadian Music Publishers Association is worried as well. As a result of negotiations with users, an acceptable compromise was reached with authors by radio stations and all music broadcasters. Works could be recorded, put together and an exception made for 30 days. This section of the act has been repealed, and we are now also putting our songwriters at risk. God knows that Quebec songwriters have garnered international success — not just Céline Dion, but people like Robert Charlebois and many others.

These people persevered even though it was difficult getting their careers off the ground. But not everyone is a Céline Dion or a Robert Charlebois. Quebec songwriters do not earn much money and need to collect royalties every time their music is played. This exception could block the collection of royalties.

The issue of resale rights was also brought up and concerns me, but was not addressed.

While they are still alive, creators — painters, sculptors and others — do not always enjoy financial success and may even live in poverty.

• (1150)

Then all of a sudden, once they die, their work goes up in value. For example, a painting that was sold for \$400 can be resold for \$50,000, \$500,000 or even a million, but none of that goes to the heirs.

[English]

The Hon. the Speaker *pro tempore*: Is the honourable senator asking for five more minutes?

Senator Hervieux-Payette: Five more minutes.

The Hon. the Speaker *pro tempore*: Is five more minutes granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Hervieux-Payette: Honourable senators, we will have to take another look at this issue. A creator's work is his legacy. When his work increases in value, heirs should be entitled to a portion of that revenue.

One clause seems very strange to me. It states that when copyright is violated, the maximum penalty is \$5,000, a sum that does not generally warrant going to court. With \$5,000, a creator would be losing money the minute he hired a lawyer. Going to court would cost well over \$5,000. Maybe lawyers in other provinces work for free, but those in Quebec are paid handsomely, so I do not think creators will be in a position to exercise that right.

In closing, I wish I could say that this bill is extraordinary and that it will improve things significantly. The industry will be well served, except for some players, such as non-profit copyright collectives.

In this bill, the words "fair," "equitable" and "just" come up over and over again. Our Conservative colleagues have an extraordinary talent for playing with words because pitting creators' rights against the industry is anything but fair. Contrary to what the Bible says, David has lost the battle and Goliath has won.

Hon. Ghislain Maltais: Honourable senators, allow me to say a few words about this bill and put it into context.

The Copyright Act needed to be reviewed. In the standing Senate committee we received the Honourable James Moore and the Honourable Christian Paradis, who clearly indicated that the need to review this bill was urgent. They also told us something

important. They told us that the bill is not perfect and that it could never please everyone. It is a bill for the whole cultural community on copyright.

I will not get into the same statistical details as Senator Hervieux-Payette, whom I respect a great deal and who does good work. The big bad Conservatives gave the good Liberals all the time they needed to hear witnesses in committee. We wanted to ensure that the Liberals had the opportunity to ask all the questions they wanted to ask.

I will remind Senator Hervieux-Payette that I too come from the education community. I was vice-president of the Quebec federation of school boards and, I should note, I was a member of the first government in Canada to recognize the status of artist.

I must say, the content of the bill is rather broad. A bill is often geared to the majority and not to the minority because the legislator only legislates for a minority in exceptional cases. Generally speaking, the legislator legislates for the majority. For example, the Income Tax Act states that we must pay our taxes, but the regulations are there to tell us how to pay our taxes.

It is therefore important to put this framework that exists for the entire population and all creators into context. Of course the regulations will have to be adjusted. I also acknowledge that, as Senator Hervieux-Payette pointed out, there are things that could be improved. That is the role of the regulations. There is a legislative framework and a regulatory framework.

When the regulations committee sits, it will be up to stakeholders to let department officials know that they do not agree with certain regulations and to request changes. This is done in every parliament and I do not see why it would not be done here.

Bill C-11 is important, and not just for creators. Canada is a land of opportunity. Now we can say that we are citizens of the world and members of the global community. We must not withdraw from the world. On the contrary, we must open up to the world. And the new technologies that are available to all creators must be open technologies.

I would like to come back to a specific point and that is education. Senator Hervieux-Payette admirably tried to define the word "education." However, it is not up to the federal government to do so because education falls under provincial jurisdiction.

I sat in the Quebec National Assembly and, at the time, I would not have tolerated a higher level of government interfering in my jurisdiction. Every province and territory has defined education. So, the federal government will not reopen that constitutional can of worms, which could lead to disagreements in the future.

Bill C-11 is a bill that is needed. Bill C-11 is not perfect, but it addresses the needs of all Canadians, particularly creators.

Hon. Maria Chaput: Honourable senators, I too would like to participate in the debate on Bill C-11, An Act to amend the Copyright Act.

[Senator Hervieux-Payette]

I would like to participate for several reasons. The first is that I was personally contacted by groups and organizations representing the arts and culture industry. I received letters and emails. Also, the arts and culture industry is very dear to my heart and I have a great deal of respect for its creators.

Today I would like to share some concerns about Bill C-11 that come from the arts and culture sector as well as other groups and individuals involved. The Canadian Conference of the Arts presented a list of 20 amendments to the government and the committee studying Bill C-11, on behalf of 68 cultural organizations across the country. The purpose of these amendments was to minimize the negative impact that the bill could have on Canadian artists, writers, publishers and other creators.

Although all 20 of these amendments are fully supported by the 68 cultural organizations across the country, the CCA identified three amendments that were top priorities for the thousands of people represented by the CCA. The first amendment, proposed to clause 32.3 of the bill, has to do with interpretation. It states:

In interpreting limitations or exceptions to copyright in Part III of the Act, a court shall restrict them to certain special cases that do not conflict with the normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the author, performer or maker.

This amendment is self-explanatory and does not require any justification.

The second amendment proposed by the CCA has to do with statutory damages in clause 46 of Bill C-11. The justification for this amendment is the following:

Statutory damages are part of a well-functioning copyright regime. Because it is often difficult for copyright owners to calculate damage caused by infringement, pre-established damages known as statutory damages ensure they are compensated for proven infringements: they work to deter would-be infringers. The statutory damages regime, as it stands, is a necessary element of the Government's goal to fight piracy. The proposed reduction of statutory damages available in respect of all infringements for non-commercial purposes could have the unintended effect of rendering the regime useless.

• (1200)

The legal costs for taking action against "non-commercial" infringers would outstrip the newly proposed damage range of between \$100 and \$5,000 for all infringements of all of the rightsholder's works or subject-matter.

Copyright owners do not obtain disproportionate damage awards from individuals. The courts already have the discretion to reduce statutory damages awards when individuals infringe for commercial purposes. They should continue to have that discretion. The new limitations on statutory damages for infringement — including their restriction to commercial infringements — essentially

knock the teeth out of the existing Copyright Act. With the cost of litigation, the limitations remove any hope of meaningful remedies for infringement. Imposing arbitrary caps risks turning it into little more than a licence fee for infringement.

While it remains important that statutory damage awards be proportionate, it is also important that the regime remains a strong deterrent for infringers, including those that enable acts of copyright infringement on the Internet. Consequently, there is no need to make a distinction between commercial and non-commercial infringement. Instead, courts should continue to have discretion to reduce statutory damage awards in circumstances where they may be grossly disproportionate to the infringement.

Thus, the proposed amendment reflects this justification.

The third amendment proposed by the CCA has to do with the review of the act — an amendment proposed in clause 58 and clause 92.1 — and here is that organization's justification for the amendment, and I quote:

Considering the speed of technological changes that affect copyright, and the impact that the amendments proposed in Bill C-11 are expected to have, a shorter timeframe for the review of the legislation would be preferable. We expect that within three years, copyright holders will be able to clearly demonstrate how these changes have affected them, thereby justifying new amendments to the legislation at that time.

I also carefully read the proceedings of the Standing Senate Committee on Banking, Trade and Commerce pertaining to the study of Bill C-11.

One of the major concerns of witnesses who appeared before the Standing Senate Committee on Banking, Trade and Commerce during its study of this bill was the use by schools of material produced by authors. I am referring to witnesses who deal with authors. Many people are worried because they do not see in the new legislation the obligation to pay amounts of money that are usually set aside for the use of paper or electronic versions of a book or educational material. They asked many questions and there are very few answers.

Will authors be compensated every time 2,000 or 3,000 students receive a copy of a work? In the past, a formula was negotiated to the satisfaction of all stakeholders. How will our authors be compensated in the future? Will they receive compensation for just a chapter or a part of their work?

Does this bill not change the relationship that previously existed between education systems and authors and publishers?

Does this bill not create confusion about the definition of "fair education"? Does this mean private education, public education, professional training? It seems that this can mean any process involving education, whether public or private. It encompasses more than just schools, but no distinction seems to be made.

Therefore, it seems that authors of material will receive no compensation. And creators will have to sue the organization that uses the material for educational purposes in order for the court to decide whether the six factors established by the Supreme Court have been applied to the use. What happened to common sense? What happened to logic?

As Honourable Senator Céline Hervieux-Payette said to one of the witnesses at the June 26, 2012, meeting of the Standing Senate Committee on Banking, Trade and Commerce:

... creators talked about a fund that was eventually agreed to of slightly more than \$20 million. That amount was distributed to creators for the reasonable application of copyright and allowed photocopies or digital copies. Universities will no longer have to pay that \$20 million, so tell me, how will they now compensate authors whose work they copy?

So many questions, honourable senators, so much ambiguity and so few answers. This bill is good and deserved to make it this far but it also deserves to be improved.

I would like to conclude by quoting Bill Harnum, publisher and 2012-13 president of the Association of Canadian Publishers.

[English]

We appreciate that our government values the high-quality books we provide and is seeking to make them more accessible. We also know that this government recognizes the importance of sustaining the system that provides them and does not intend to undermine it.

Our concern is that the absence of clarity around the definition of education as a purpose under fair dealing will have a number of unintended consequences. The most immediate of these will be uncertainty in the marketplace, as users claim a very broad interpretation of education.

[Translation]

I would also like to read some excerpts from a letter I received from Michael McCarty, president of **ole**, Canada's largest music publisher.

[English]

The laws we pass must allow and encourage Canada's intellectual property industry to flourish in the digital age. As currently written, Bill C-11 misses the mark.

As Canada's largest music rights owner and employer, we have invested over \$115 million in copyrights and employ over 40 staff. Bill C-11 will not only have a negative impact on musicians and songwriters, but also on our business and the people we employ.

We agree that our Copyright Act needs to be modernized. Unfortunately, Bill C-11 will ensure that creators are largely shut out of the digital business while the tech, telcom and broadcast businesses continue to profit from music

piracy. The Bill will also "pick the pockets" of artists and songwriters to the tune of \$30 million per year through the proposed elimination of existing rights. This is a large part of the income of musical creators for generations to come.

Honourable senators, as Senator Moore stated:

We understand the issue is a complex and controversial one. But we believe there are problems with this legislation which will harm both creators and consumers. We feel that we can fix the problem with amendments.

Honourable senators, artists, musicians, authors and others working in the cultural sector are worried, with reason, I believe. They cannot afford to lose revenues.

[Translation]

Honourable senators, the concerns I have raised are real.

[English]

Hon. Terry M. Mercer: Honourable senators, I rise today to speak on Bill C-11, another of those bills that come from the Harper government with racing stripes on the side to indicate how quickly they want this legislation passed but always come at the last minute. I also speak on an issue. I cannot claim any artistic talent, but I was smart enough 40 years ago to marry into a family of very talented people. I have two brothers-in-law who are artists and a sister-in-law who is also an artist, so I claim my right through them.

This bill is complicated, but so is the digital world we live in. Like it or not, we must ensure that proper safeguards exist that protect artists, educators and writers from unlawful use or distribution of their materials. I think we are all in favour of that. However, how this government has approached this is the same way it approaches all bills: "My way or the highway."

This is not the first time we have seen this bill. Bill C-11 is in fact an exact duplicate of Bill C-32. Even though the house committee heard from hundreds of witnesses and received hundreds of submissions on Bill C-32, the Harper Reformists still did not even try to amend the bill.

• (1210)

While we all agree we need to update our copyright laws, why not do it right? Why not listen to the experts who tell you that a certain section of the legislation should be amended to better protect educators or a certain section should be deleted because it may actually harm a writer's ability to maintain control over his or her work?

Bill C-11 includes measures that add new fair dealing exceptions for education, parody and satire; allow copying for personal uses, such as recording TV shows or transferring music onto an iPod; add new rules making it illegal to circumvent digital locks; and add new responsibilities for Internet service providers to notify copyright holders of violations. Big brother is watching again.

Honourable senators, this bill should bring us in line with the 1996 World Intellectual Property Organization Internet Treaties. These treaties were put in place to combat piracy. Again, I believe we are all in favour of doing that and protecting Canadians, but at what cost and at whose provocation? I will get to that later.

There are too many things in this bill to comment on, but I would like to concentrate on the digital lock provisions. These harsh and American-influenced digital lock provisions are most likely the toughest and most restrictive in the world. Digital locks, of course, protect content, whether it is on a DVD or the Internet.

How often have you put a CD into your computer, copied the music onto iTunes, and then transferred them onto your iPod or BlackBerry? In doing so, did you think you were stealing someone's work? If not, you better start believing it because now, if you do just that, you could face fines of up to thousands of dollars because the government says you are stealing.

The true question is this: Who owns the material you are transferring? Do you? Does the musician? Do you both? Bill C-11 is supposed to provide a balanced approach to such issues, but I do not believe this is accomplished at all. This is where property law and copyright law collide, but I will leave that legal discussion to the lawyers; God knows there are enough of them.

Senator Cowan: Never enough of them.

Senator Mercer: Do not push me, Senator Cowan!

The Harper Reformers say that format shifting provisions exist in the bill that allow the transfer of the music to your iPod, but there is a catch. If it has a digital lock, you cannot do it. One hand giveth and the other hand taketh away. Is it not preventing me from enjoying something I legally purchased and should be able to enjoy in whatever way I see fit? Interesting questions, honourable senators.

Canadians who have legitimately purchased CDs or DVDs should have the ability to transfer this legally owned material to something they own, as long as, of course, they are not going to resell it or transfer it to someone else.

Under this bill, Canadians will lose this ability if a company chooses to deny it. This effectively makes us criminals if we try to circumvent a digital lock, even if we are transferring what we own from one device to another device that we own.

Recent releases of diplomatic cables showed that parts of the Harper reform copyright plan were drafted to satisfy U.S. concerns rather than Canadian, particularly the digital lock provisions.

Who is running the government over there anyway, honourable senators? That is what I want to know.

An Hon. Senator: We are.

Senator Mercer: I do not think so.

Again, this government pretends it cares about Canadians, but just as with the budget, that care does not seem to exist.

Honourable senators, I was indeed pleased to see some provisions in the bill to help students, including education as a category in fair dealing as a positive step. However, it becomes muted when you add in the digital lock provisions because they effectively override fair dealing.

There is also the issue of clarifying provisions of fair dealing when it comes to education. I can only hope that all parties will continue to work together to respect the rights of artists but also to allow students to fully explore their educational opportunities.

I have worked with the Canadian Alliance of Student Associations, CASHA, on various issues over the years. In fact, many of you have attended an event I host every year called Homecoming on the Hill in conjunction with CASHA. Go, Huskies, go!

Senator Moore: That is right.

Senator Mercer: CASHA and the other student groups have advocated for education fair dealing because it would provide some reasonable freedoms to use copyrighted material in certain circumstances.

Also, some teachers want to innovate and use every tool at their disposal to improve the education experience for their students. By not including fair dealing, students would lose out, but we must be careful not to abuse it because our writers and artists must be fairly compensated for their work.

Honourable senators, I do support the efforts to efficiently and effectively modernize the Copyright Act in a balanced way, but some of the provisions — digital locks being the most controversial in my eyes — are highly restrictive and do not strike a proper balance. We must ensure that our copyright law protects the work of our Canadian artists and reaches a balance with the rights of Canadian consumers. I do not think this bill does that, and so I will be voting against it.

[Translation]

Hon. Dennis Dawson: Honourable senators, I too will be voting against passing this bill because of what is missing from Bill C-11.

I will briefly speak to Bill C-11 on copyright, and more specifically to artists' resale rights, the poor cousins of copyright, this new facet of copyright about which many senators were concerned during debate in committee.

Despite the senators' concerns and the fact that they recognized that this should be included in the bill, those on the committee did not propose any amendments, and I am talking to Senator Segal in particular. Despite the senators' concerns, no amendments were made to the bill.

I will not go back to what happened yesterday, when the amendments that were supposed to be presented were buried, but perhaps we will have the opportunity in the fall — as Senator Hervieux-Payette was saying — to try to find some sort of accommodation.

I would like to read from a presentation by the Regroupement des artistes en arts visuels du Québec, an agency that appeared before the Standing Senate Committee on Banking, Trade and Commerce. The presentation deals explicitly with the problems raised by Bill C-11. There is a host of mistakes in the bill that deserve our attention. That being said, I will deal only with what is missing from the bill.

[English]

With respect to artist resale rights, last month, at an art auction in Toronto, the works of 32 living Canadian artists were sold for a total of \$1.5 million. Needless to say, the 32 owners of those works, as well as the auction houses, were happy to cash their share of the bounty.

What is wrong with this picture? Well, for one thing, the people who created the paintings got nothing out of it. Who created these pieces, which increased in value over time, and who benefited? The sellers benefited. The 32 mostly aging Canadian artists did not get anything out of it. Why have these works increased in value? Because these artists have talent and they are dedicated to their art. What was their share of the \$1.5 million? Zero, honourable senators.

[Translation]

If Canada had done what 59 other countries are doing or have already done, in other words incorporate artists' resale rights into our copyright legislation, those artists could have shared roughly \$75,000. That might not seem like a lot of money to you, but again, I am talking about sales for one month, May, and the 32 artists would have received an average of \$2,340 each. Unfortunately, there was no provision to include in Bill C-11 a 5 per cent resale right to be paid to artists for the successive resale of their works. Can the Senate include this provision? Yes, honourable senators, it can. Has the Senate decided to do so? No, honourable senators, we have not made any amendments to this bill.

[English]

Instituting the artist resale right would allow visual artists to share in the profits being made from their work and would align Canada with our trading partners.

Artist resale rights would entitle artists to receive a small percentage from the resale of their work in Europe, which ranges from 2 to 5 per cent. The full value of an artwork is often not realized on the initial sale. It is common for visual art to appreciate in value over time as the reputation of the artist grows.

• (1220)

For example, acclaimed Canadian artist Tony Urquhart sold his painting *The Earth Returns to Life* in 1958 for \$250. It was later resold at an art auction for \$10,000. What did he get out of that \$10,000? He got nothing, honourable senators,

I could elaborate on Riopelle, Lemieux and other artists' paintings that are sold for millions of dollars, of which nothing is given back to the original artist or their heirs. It is a shame, honourable senators.

[Senator Dawson]

That is why, honourable senator, I will also be voting against the bill — not for what is in it, but for what is not in it.

Canada's Aboriginal artists, in particular, are losing out on the tremendous profits being made on their work in the secondary market. Artists living in isolated northern communities live in impoverished conditions, while their work dramatically increases in value.

[Translation]

The income potential of visual artists is much lower than that of artists in other disciplines because visual artists generally do not produce multiple copies of their works. Writers and performers can sell a large number of CDs, DVDs or other forms of their work and receive royalties for as long as their work is sold.

Half the visual artists in Canada earn less than \$8,000 a year. Even recipients of Governor General's awards find it difficult, if not impossible, to earn their living from the income they receive from their art. Some have an income that is far below the national average and others have to work full time to fund their art. The value of these works usually increases with time. Older or retired artists will benefit from the implementation of resale rights in Canada.

Honourable senators, I would like to reiterate my objection to this bill, not because of what it contains, but because of what is missing. Committee members acknowledged it, and as Senator Hervieux-Payette said, the opposition senators acknowledged it. Unfortunately, since the government is not accepting any amendments, there was no debate and no proposed amendments. The bill is therefore flawed and incomplete. Even Senator Maltais is saying so. I would prefer if we could use our authority as senators to improve the bills that are passed in the other place, which are often flawed.

[English]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill C-11, an Act to amend the Copyright Act.

I would like to begin by stating that the Banking Committee report was tabled just 48 hours ago. It is an extensive report and senators wishing to examine it in detail have scarcely had the opportunity to do so.

I would remind honourable senators that, as I said yesterday, and as Senator Cowan so eloquently stated this morning, this bill was first tabled in the House of Commons on September 29 of last year. In those nine months in the other place, a total of 25 sitting days were devoted to careful consideration of all 68 pages of this bill, and that was after the same bill was studied in two previous incarnations in previous Parliaments. It was not adopted until last Monday, June 18.

The other chamber has signalled to us that the bill requires careful consideration, and yet today we in the Senate are being asked to dispose of this matter by the end of the day today.

[Translation]

I would still like to make some comments about this bill. There is no doubt that Canada's Copyright Act needs to be modernized. This is necessary to protect the works of Canadian artists and creators and to achieve a balance between their needs and the rights of consumers.

However, the digital lock provisions in this bill, which are the most restrictive in the world, would cause an imbalance and detract from the fair use of the other provisions of this bill. That is why I cannot support this bill.

There is no doubt that Canada's move to a digital economy is having a major impact on our cultural industries. We therefore proposed amendments to be able to support the bill. One aspect of these amendments to clause 47 has to do with the need to ensure that the digital lock provisions give Canadians who legitimately purchased a CD, DVD or other similar product the ability to transfer the content onto their iPod or to save a personal copy, provided they are not selling it or transferring it to other people.

A number of artists, writers, student groups and creators also expressed serious concerns about certain aspects, such as the new provisions regarding education, statutory damages and resale right payments. I would have liked to see the bill define the term "education" and include a strict, clear criterion for fair dealing for the purpose of education.

As you know, honourable senators, my previous experience is with university education. I am therefore particularly interested in this area, as well as the areas of research and publication. A number of stakeholders from the education world, for example, the Canadian Association of University Teachers, the Association of Universities and Colleges of Canada, and the Canadian Alliance of Student Associations, are in favour of the new changes regarding teaching, and I agree. However, these groups are concerned about the provisions regarding digital locks, as am I.

[English]

Less than a week ago, I met with the president and vice-president of the University of Alberta Students' Union. They shared with me some very serious concerns they had with some aspects of this bill.

To begin with, they expressed concern over book importation regulations, which raise costs for students without providing any corresponding benefit to the actual holders of the copyright for these works. In fact, the Canadian Alliance of Student Associations has recommended that Bill C-11 be amended to remove the exclusive distribution provisions outlined in section 27.1 of Canada's Copyright Act. This particular bill does not address the relevant section, namely, section 27 of the Copyright Act, but I nonetheless took great interest in the case that they made for this issue.

The students also commented on the aggressive new digital locks about which I and others have already spoken today. They pose a real challenge for academic research.

The students at the University of Alberta are not alone in their concern. No less than the Council of Ministers of Education of Canada are reported to have said, like other education groups, that the digital lock provisions are too restrictive.

The problem lies in the compromising of the fair dealing right with the new provisions in the Copyright Act set out in this bill. An educational fair dealing right is not enshrined as a true right, but more as a secondary right, because it can be overridden at any time by a copyright holder's digital lock.

The lock poses an even greater challenge for students with disabilities. If a visually impaired student needs to shift the format of a text so that he or she can read it but finds protection measures on that text, he or she would not be able to do so without breaking the law.

The legislation also creates an impossible situation for distance learning. For example, Ontario's Collège Boréal provides post-secondary distance education to minority francophone communities in northern Ontario. With these new provisions, students will be forced to destroy their own course notes and material within 30 days of the completion of the course. In addition to the difficulty that this bill will create in administering long-term distance education, it will make it more difficult for small remote libraries, like that of the Collège Boréal, to share its materials and the materials of interlibrary loans with all students in a realistic way.

Changes such as those we are seeing in this piece of legislation, without fully exploring and debating the consequences, would have a deep, dramatic impact on some of the very demographics — the students — whom we should be focused on and be supporting.

Honourable senators, I received many letters and emails regarding Bill C-11 from artists, publishers, students and other intellectual property stakeholders. There is one letter, and this is just a sample, from which I would like to share some excerpts, as I think it epitomizes the effects of this legislation on everyday Canadians.

• (1230)

This particular woman is a small Alberta book publisher. She wrote to me and said:

... I wanted to let you know that Bill C-11 will put the publishing of all books in jeopardy regardless of the format, printed or ebook. ... Writers will find themselves left out in the cold to their own devices. ... Every dollar that a publisher makes is ploughed back into new projects, i.e. new books. Authors are already not paid what their material is worth because of the dwindling sales of Canadian books due to U.S. publishers and distributors dumping their overstocked books across the border at a fraction of the price that Canadian publishers must charge just to get by. ... Publishers and creators work hard every single day for very little, and many of these people have to find at least one other job to fund what they really love because their work is not valued as should be.

Honourable senators, this is a complex bill that should have had far more in-depth study at committee stage and certainly should be given more than two days' consideration at third reading in this chamber. I strongly urge honourable senators to adopt the amendments proposed by my honourable colleague Senator Moore. These amendments seek to correct some of the deficiencies that have been identified in this bill. Should these amendments not be supported, I find myself in the position of not being able to support Bill C-11.

Hon. Joan Fraser: Before His Honour calls the question, I would like to associate myself very strongly with the remarks of Senator Dawson. The point he made is inestimably important.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: The question before the house is the motion in amendment, moved by the Honourable Senator Moore, seconded by the Honourable Senator Dawson, that Bill C-11 be not now read a third time but that it be amended — shall I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: There will be a 15-minute bell. The vote will take place at 12 minutes to 1:00.

• (1250)

The Hon. the Speaker: Honourable senators, the question before us is the motion in amendment of the Honourable Senator Moore, seconded by the Honourable Senator Dawson, that Bill C-11 be not now read a third time but that it be amended

(a) in clause 27, on page 23 —

Shall I dispense?

Some Hon. Senators: Dispense.

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Callbeck
Chaput
Charette-Poulin

Hubley
Jaffer
Mahovlich

[Senator Tardif]

Cordy
Cowan
Dallaire
Dawson
De Bané
Downe
Dyck
Eggleton
Fairbairn
Fraser
Furey
Hervieux-Payette

Mercer
Merchant
Mitchell
Moore
Munson
Ringette
Robichaud
Smith (Cobourg)
Tardif
Watt
Zimmer—29

NAYS THE HONOURABLE SENATORS

Andreychuk
Angus
Ataullahjan
Boisvenu
Brown
Buth
Carignan
Comeau
Dagenais
Di Nino
Doyle
Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Gerstein
Greene
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin

Massicotte
Meredith
Mockler
Nancy Ruth
Nolin
Ogilvie
Oliver
Patterson
Plett
Poirier
Raine
Rivard
Runciman
Segal
Seidman
Seth
Smith (Saurel)
St. Germain
Stewart Olsen
Tkachuk
Unger
Verner
Wallace
Wallin
White—51

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, the question now before the house is the motion by the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, that Bill C-11, An Act to amend the Copyright Act, be read the third time.

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Pursuant to the rules, this vote will take place at 5:30, after the ordered vote at 5:30 on Bill C-38.

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

Hon. Nancy Ruth: Honourable senators, I was surprised yesterday that Senator Finley’s speech on an amendment to the Human Rights Act, Bill C-304, left out three important points, so I would like to put them on the record.

First, who can use the Human Rights Act, and who can use the Criminal Code? Though Senator Finley said that anyone can use the Human Rights Act — if the case, of course, is allowed — to use the Criminal Code, one must have permission of the Attorney General. The test for using these sections of the act and the code are quite different.

The second point is the following: Who are the identifiable groups? In Senator Finley’s speech, it sounds as though the groups are exactly the same, and they are not. There are three groups in the Human Rights Act that are definitely left out of the Criminal Code sections 318 and 319. The identifiable groups that are left out are the disabled, those who are discriminated against on the basis of age, and the category of sex, which in this instance means women.

Another point Senator Finley has left out is that the government has moved to include these three groups in sections 318 and 319 of the Criminal Code, but their legislation is lost in Bill C-30, Part 2, clauses 16 and 17. This bill is still at first reading in the House of Commons, and it looks like it is going nowhere, so those groups are not protected.

Surely we will not remove access to rights before they are secured elsewhere, and maybe we should not remove citizens’ access to the freedom from telephonic hate without the permission of the Attorney General.

Your Honour, I reserve the rest of my time for later and I move the adjournment in Senator Munson’s name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to have this matter adjourned by Honourable Senator Nancy Ruth but in the name of Senator Munson? Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I am rising on a point of order. I am not sure if I comprehended what was happening here. I understood that Senator Nancy Ruth wanted to adjourn for the remainder of her time, but it is adjourned in Senator Munson’s name? Will Senator Nancy Ruth thus be allowed to speak at a later date if she has already spoken?

The Hon. the Speaker *pro tempore*: Yes. The matter had been standing in Senator Munson’s name.

(On motion of Senator Nancy Ruth, for Senator Munson, debate adjourned.)

• (1300)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Duffy, seconded by the Honourable Senator Frum, for the second reading of Bill C-313, An Act to amend the Food and Drugs Act (non-corrective contact lenses).

Hon. Percy E. Downe: Honourable senators, I join the debate in support of Bill C-313, important legislation that has already passed in the House of Commons with all-party support.

Bill C-313 goes a long way to ensuring that Canadians are taking the best possible care of their eyes by making non-corrective contact lenses, often called cosmetic contacts, subject to the requirements of the Food and Drugs Act in the same way that corrective contact lenses are.

Quite frankly, there is nothing more important to a person than his or her health. It should come as no surprise that in a 2003 poll by Environics Research Group, Canadians listed vision loss as the disability they feared most.

Many Canadians wear corrective or cosmetic contacts for a variety of reasons every day. What is alarming is the damage that can be associated with wearing ill-fitting or mishandled contacts. The complications that arise from improper use, handling and fit are preventable, provided that a licensed and regulated professional dispenser assesses eye health and lens fit and provides training on proper use and handling of contact lenses.

Bill C-313 cannot address all of these concerns, honourable senators, as they are outside federal control. However, this legislation can ensure that Health Canada approves of the product, and proper safeguards are in place before the product is manufactured and distributed to retailers.

Honourable senators, something that really concerns me about this issue is the fact that cosmetic contacts may be purchased from party stores, local markets and other locations where buyers receive no instructions on the use and handling of the lenses. In particular, I am concerned about the health risks associated with buying contacts through Internet sites. The potential problems are not limited to the sale of simply cosmetic contacts, but also prescription contacts and glasses.

The Internet sale of prescription eyewear is perhaps the biggest issue facing vision care today. Unregulated sales by Internet providers have created an unlevel playing field, with brick and mortar locations having to abide by provincial regulations and Internet sellers that do not. Essentially, all prescribing and dispensing regulations in the provinces are rendered null and void by the current practices of online retailers of prescription eyewear.

A considerable amount of research, produced by Canadian and other investigators, raises questions about the safety of allowing Canadians to order their eyewear online. A 2011 study entitled *Safety and compliance of prescription spectacles ordered by the public via the Internet* concluded:

Nearly half of prescription spectacles delivered by online vendors did not meet either the optical requirements of the patient's visual needs or the physical requirements for the patient's safety.

Studies like the one I just mentioned that show that the wrong prescription, improperly positioned lenses and failed shatterproof standards occur in almost 50 per cent of Internet-obtained prescription eyewear, and this should be a concern to the vision health and safety of Canadians.

Given that Health Canada's role in reviewing medical devices is to assess their safety, effectiveness and quality before being authorized for sale in Canada, the research I have just mentioned begs the question: What is Health Canada doing to protect Canadians from Internet sales of contact lenses and eyeglasses? Two weeks ago I wrote to the federal Minister of Health on the issue and I look forward to her response.

Online shopping, as we all know, is on the rise. Canada's Internet economy is expected to grow by almost 7.5 per cent through 2016, when it will represent close to 4 per cent of GDP. What is to prevent a major online retailer like Amazon.com, or a totally unregulated company operating in some offshore location, from selling prescription contacts, glasses or cosmetic contacts to Canadians over the Internet?

I believe that a growing number of Canadians will choose to purchase their eyewear online, unaware of the risks that such a purchase may entail. Health Canada must not only be monitoring this situation closely, but implementing new regulations to protect Canadians from faulty products that may cause serious harm to their permanent eyesight.

Honourable senators, I am not under the impression that Bill C-313 can prevent the scenario I have just described in which faulty contacts or glasses are sold over the Internet with potentially serious consequences. However, I am confident that

this legislation is a step in the right direction. I will be voting in support of Bill C-313, and I urge the federal Minister of Health to quickly bring forward new legislation to control online sales of both contact lenses and eyewear.

I also want to thank Senator Duffy, who is the sponsor of this legislation, for bringing it forward in the Senate.

I will take this opportunity to correct the record. Last evening in his speech Senator Duffy indicated that the Minister of Transport reported that the Member of Parliament for Cardigan, the Honourable Laurence MacAulay, has never written a letter to Ottawa making representation on the continuous ferry run. I have a number of letters that Honourable Mr. MacAulay had cc'd to members of the caucus, including one to the Minister of Transport. I will simply read one line and I will send these to Senator Duffy for his information, as I do not believe he was here in 2009 when this letter was sent.

This is the Honourable Laurence MacAulay to the federal Minister of Transport:

I cannot stress strongly enough my concerns that the level of service in crossing for the ferry be maintained to avert another blow to the already sagging economy of eastern Prince Edward Island.

I will also send to my colleague Senator Duffy a letter that Mr. MacAulay sent to the federal Minister of Finance on the same issue.

(On motion of Senator Hubley, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Your Honour, when I rose a few moments ago to seek clarification further to Senator Nancy Ruth's intervention and subsequently her desire to have the adjournment remain in Senator Munson's name, I neglected to reserve the 45 minutes for the second speaker.

The Hon. the Speaker pro tempore: Honourable senators, the normal practice is, after Senator Finley speaks from the government side, the second speaker, from the opposite side, has 45 minutes. In this particular case, Senator Nancy Ruth was the second speaker. Is it agreed that Senator Munson shall have 45 minutes?

Hon. Gerald J. Comeau: Before we give agreement to that — and I will be giving it — this is a long-standing problem we have had in this chamber. Every once in a while it does happen that someone else will speak to a subject, whether it is a government bill or a private member's bill. If His Honour happens to recognize the second person and the second person starts making a speech, the rules state that the second person has the 45 minutes. In effect, we now need to revert to give unanimous consent in order to reserve the 45 minutes for the opposite side, which I happen to support.

However, it does show a flaw in one of our rules that we need to fix. In fact, I did write a letter to the Rules Committee through the clerk of the committee. I requested that the committee look

exactly at this rule so we do not require that the deputy leaders on either side get up to seek unanimous consent when this happens. There could be the loss of attention for just a moment, and this can happen very easily.

• (1310)

I do hope that when honourable senators look at the rules — and I see our friend from the other side is not here today to take part in this debate — we can fix this rule once and for all. However, I do offer my support.

Hon. Fernand Robichaud: Honourable senators, I would really like to get involved in this debate, but I will keep my remarks for another day.

The Hon. the Speaker pro tempore: Honourable senators, is leave given to ensure that the second speaker on this, the Honourable Senator Munson, will have the usual 45 minutes?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Agreed.

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT—SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce, (*budget—review of the proceeds of crime (money laundering) and terrorist financing act—power to hire staff and to travel*) presented in the Senate on June 27, 2012.

Hon. Irving Gerstein moved the adoption of the report.

Hon. Joan Fraser: Honourable senators, would Senator Gerstein tell us very briefly what this is all about and, particularly, where the committee members plan to travel?

Senator Gerstein: Yes, with pleasure.

This is related to the proceeds of crime, money laundering and terrorist financing bill and, as honourable senators know, the report was originally scheduled to be filed by the end of May. We then moved it to the end of June, and we have subsequently moved it to the end of December.

As the committee studied it, we became aware we had one of two choices: either to tinker with the bill around the edges or to really go at it full bore. This is to allow us to go to Washington, where we will be meeting with members of the regime that exists there. That decision was totally unanimous by the committee.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

STUDY ON THE ESTABLISHMENT OF A “CHARTER OF THE COMMONWEALTH”

THIRD REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the third report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *A Charter “Fit for Purpose”: Parliamentary Consultation on the Proposed Charter of the Commonwealth*, tabled in the Senate on April 3, 2012.

Hon. A. Raynell Andreychuk: Honourable senators, this matter stood in the name of Senator Carignan, because he was kind enough to rewind the clock when I was away ill. Therefore, at this time, I would like to speak to the adoption of the report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *A Charter “Fit for Purpose”: Parliamentary Consultation on the Proposed Charter of the Commonwealth*.

Honourable senators, I am pleased to put a few comments on the record with respect to our study. The report is the outcome of the committee's hearings on the establishment of a Commonwealth charter, as agreed to at the Commonwealth Heads of Government Meeting in Perth, Australia in October 2011.

As honourable senators may know, the Commonwealth has in recent years been undergoing a process of renewal. In 2009, the Royal Commonwealth Society undertook the largest ever global public consultation on the future of the Commonwealth. *The Commonwealth Conversation*, as the report was called, found a lack of clarity among most people about the Commonwealth and what it represents.

Responding to the outcomes of this consultation, in 2009 Commonwealth leaders established an Eminent Persons Group. The group, which included the Honourable Senator Hugh Segal among its 11 members, was tasked with studying and developing recommendations to bring the Commonwealth and its values back into the public conscience.

The first of the Eminent Persons Group's many recommendations suggested that:

‘A Charter of the Commonwealth’ should be established after the widest possible consultation in every Commonwealth country.

Commonwealth leaders meeting in Perth in October 2011 agreed with the Eminent Persons Group. They stated in their communiqué that:

... there should be a “Charter of the Commonwealth” ... embodying the principles contained in previous declarations, drawn together in a single, consolidated document that is not legally binding.

On January 20, 2012, Canada's Minister of Foreign Affairs requested that the Standing Senate Committee on Foreign Affairs and International Trade consider holding hearings on a charter of the Commonwealth. Members of our committee responded positively to that request.

Honourable senators, it is our understanding that Canada is the only Commonwealth country to conduct its hearings on the proposed charter of the Commonwealth via the parliamentary process — in this case, more specifically, the Senate and its committee. We were honoured to have that privilege.

Over the course of 11 hearings, the committee heard from witnesses from Canada and other Commonwealth countries. They represented government, civil society, academia, youth and other Commonwealth affiliated organizations, and we also heard from the Francophonie.

Each witness came with a certain interest and expertise in the Commonwealth, and brought new perspectives to our study. Common themes emerged in three broad areas: first, the specific values and principles that Commonwealth countries share; second, the comparative advantages that make the Commonwealth unique among other international organizations; and, third, the role that the proposed charter could play as the Commonwealth seeks to carry its values and principles into the future.

Our report endorses the idea of a Commonwealth charter. As a stand-alone, inspirational and aspirational document, with moral standing in Commonwealth countries, a Commonwealth charter could become the singular point of reference for what the association stands for. It has the potential to become a tool to educate others about those values and to raise the profile of the Commonwealth itself.

However, in order to achieve maximum impact, members of the committee believe that the charter should be as succinct and as accessible as possible. It should focus on the core competencies and comparative advantages that define the association. In addition to the cornerstone values of democracy, good governance, human rights and the rule of law, our report recommends that the charter clearly reference three unique features that differentiate the Commonwealth from other international associations.

First, the committee recommends that the proposed charter reference the role of youth in the Commonwealth. About 60 per cent of the population in the Commonwealth is under the age of 30. By highlighting the importance of promoting the development of our young people today, the charter can help ensure the vitality of our societies, while securing the Commonwealth's ongoing relevance into the future.

Second, our report recommends that the charter emphasize more strongly the positive role that parliamentarians play in the Commonwealth. As an association rooted in the Westminster legal and administrative tradition, the Commonwealth has an opportunity to leverage its competency in this area. Parliamentary diplomacy, within and between Commonwealth countries, is a critical axiom through which Commonwealth values are

brought into public discourse and rooted in public policy. We believe that this noting of parliamentary diplomacy is unique and necessary, and we believe that it must be underscored by the heads of the Commonwealth and should be followed through by the secretariat, itself.

• (1320)

Third, the committee recommends that the charter reflect the Commonwealth's role with regard to small states. Thirty-two of the 54 member countries of the Commonwealth are considered to be small states having populations under 1.5 million. The Commonwealth plays a critical role in supporting small states' integration into the global economy and in ensuring their interests are properly represented in international fora.

The committee recommends that Canada's Minister of Foreign Affairs encourage member states to work toward a shared understanding of what they would like the charter to accomplish.

The equal participation of all countries and their citizens in the drafting process is critical if the charter is to resonate and take root across the association.

On May 30, I received a letter from the Minister of Foreign Affairs. In his letter, the minister notes that the committee's report had been circulated in its entirety to representatives of the Commonwealth member states gathered at the Senior Officials' Meeting of April 12-13, 2012.

Attached to the letter was the revised draft charter emerging from that meeting. I was pleased to see that the draft reflects many of our committee's recommendations, and particularly that it is more succinct and includes references to young people and small states. The minister assured me that the Canadian officials are now working to have a reference added to the document on the special role of parliamentarians and parliamentary diplomacy. Comments on this latest draft charter will be considered by Commonwealth foreign ministers in September 2012.

The Commonwealth's strength lies in its ability to find commonality in the face of differences. Speaking for countries large and small and representing people of different ethnic, cultural and religious backgrounds, the Commonwealth partnership is based on shared values. A charter could be an important tool for the Commonwealth as it strives to preserve and defend those values.

The process of establishing a charter is an opportunity to engage and educate people about the Commonwealth and to create a document that speaks to the best of what the association stands for. Our committee was honoured to have played a role in this process, and we would encourage Canadians to remain engaged as the final chapter takes shape.

I would be pleased if the Senate could adopt our report in advance of the September 2012 meeting so that we could go with the full force of the Senate to indicate the importance of youth, the importance of parliamentary involvement and the need to address small states. I look for a favourable response from the Senate.

The Hon. the Speaker pro tempore: Is there further debate? Are honourable senators ready for the question?

Hon. Hugh Segal: Honourable senators, I simply want to speak in favour and in support of what the honourable senator just said. I think the committee did an outstanding job, and I would like to report that the recommendations the committee forwarded in the report that is now before the chamber were adopted by the senior officials of the countries that are working on the charter and by the ministerial task force that met thereafter, and they are now making their way to the foreign ministers meeting that will take place in the UN in the fall.

The meeting of Commonwealth parliamentarians in Sri Lanka and the working session coming up in Quebec City are very important, and I could not agree more with the honourable senator's plea for the support of this report so the full force of this body can be recognized and embraced as the process goes forward with her leadership on this issue.

The Hon. the Speaker pro tempore: If there is no further debate, are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

STUDY ON POLITICAL AND ECONOMIC DEVELOPMENTS IN BRAZIL

FIFTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Intensifying Strategic Partnerships with the New Brazil*, tabled in the Senate on May 29, 2012.

Hon. A. Raynell Andreychuk: Honourable senators, I do intend to speak to this report. It is a significant report of the Senate, but I wish to have more time to prepare and to spare you from having two speeches from me sequentially. However, the Honourable Senator Fortin-Duplessis is ready now and would appreciate speaking today. I have no objections to her speaking, and then I will adjourn this item for the rest of my time.

[Translation]

Hon. Suzanne Fortin-Duplessis: Honourable senator, the Standing Senate Committee on Foreign Affairs and International Trade produced this report following 22 meetings in Ottawa, at which 56 witnesses were heard and also following a reconnaissance mission to Brazil.

We began our study in 2010, motivated by an interest in how and to what extent Canada could benefit from Brazil's impressive economic growth. Its rise in the new global economy holds significant domestic, bilateral and global implications for Canada's prosperity.

My remarks today concern the report on the rise of Brazil, a country that is steeped in history, that I had the pleasure of visiting during the committee's travels there. In order to fulfill its mandate, the committee visited the following cities: São Paulo, Brasília and Rio de Janeiro. This report is the last in a series of four reports looking at the emerging economies of Brazil, Russia, India and China, commonly known as BRIC. It explores the implications of Brazil's emergence as an economic and political force in our own hemisphere and internationally, and highlights the economic, political and social opportunities that stand to be gained through stronger Canada-Brazil relations.

First, I would like to thank those who worked so hard to make our report a success. I would also like to thank everyone who took time to meet with us, whose insights were invaluable in shaping this study.

I extend my personal appreciation to the Government of Brazil and the numerous parliamentarians for their assistance. In particular, I would like to thank His Excellency Piragibe Dos Santos Tarragô, Ambassador of Brazil in Ottawa, for his guidance and advice.

I would also like to mention the exceptional dedication of staff at the Department of Foreign Affairs and International Trade in Brazil and Canada, the Canadian Embassy in Brazil, and the Consuls General of Canada in São Paulo and Rio de Janeiro.

Finally, I would like to sincerely thank the committee members and their staff for their professionalism. A big thank you to the Subcommittee on Agenda and Procedure: Senator Raynell Andreychuk, Chair; Senator Percy E. Downe, Deputy Chair; and Senator Doug Finley. Their diligence and commitment were instrumental in helping the committee navigate the nuances of this complex topic.

The committee's researchers, Natalie Mychajlyszyn and Brian Hermon, the clerk, Line Gravel, Ph.D., and the translators deserve special mention. Their professionalism contributed greatly to the success of our reconnaissance mission.

Honourable senators, Brazil is the largest and most populous nation in Latin America. Brazil is ranked fifth in the world in terms of land area and population. The Brazilian giant, a country the size of a continent, is also imposing because of its vast natural resources.

While Canada has an aging population, Brazil has a very large population of young people who live in a vast country that has achieved a demographic transition.

Brazil emerged from the 2008-09 financial crisis with growth rates not seen since the 1980s. In 2009, it became the world's eighth-largest economic power, ahead of Russia, and in 2010 it was the seventh-largest economic power, ahead of Italy.

• (1330)

It emerged from the 2009 crisis stronger than ever and focused on accelerating growth and reducing inequality without compromising economic equilibrium. The international financial community has responded favourably to Brazil's strategy to protect its economy from both external and internal shocks.

Our committee found that several important factors made this progression possible: adjustment of the labour market to the economic cycle, stable employment and stable buying power of low-income earners, implementation of countercyclical policies, reducing Brazil risk and increasing non-resident confidence.

In general, over the past few years, Brazil has readjusted its export markets by increasing its share of new markets. In 2009, China emerged as Brazil's largest trading partner ahead of the United States and surpassed Germany as the world's largest exporter.

With an unemployment rate at a historic low, 5.8 per cent, export diversification, massive foreign investment and dynamic domestic consumption, Brazil's economic climate remains very attractive. The GDP of the state of São Paulo, comparable to those of Turkey or Indonesia, is solely responsible for Brazil's economic strength. Today, Brazil is the world's third-largest exporter of agricultural products. The country is poised to realize tremendous financial gains from recently discovered offshore oil and gas deposits.

The government raised taxes on financial operations to slow down the influx of foreign capital not destined for productive investment. The central bank must also monitor changes in the value of the real, which can compromise the country's competitiveness as inflation exceeds 7 per cent. Maintaining a high key lending rate should help control inflation and growth.

Canada-Brazil merchandise trade and investment have seen impressive growth in recent years, with almost \$29 billion in bilateral trade and cumulative investment stock combined in 2010. Bilateral trade has increased by 42 per cent over the last five years, reaching \$6.7 billion in 2011. In 2010, Brazil was the eighth-highest source of foreign direct investment in Canada. Brazil was the eleventh-largest recipient of Canadian direct investment abroad. Some 500 Canadian companies are active in Brazil, including over 50 in the mining sector alone.

Our committee learned, during meetings with the Canada-Brazil Chamber of Commerce, that there is potential for significant growth for Canadian companies in the following key sectors, which are well suited to Canadian capabilities and interests: infrastructure, education, clean technologies, information, communication and technologies, oil and gas, and aerospace.

In addition, important opportunities for Canada exist in mining, defence and security, life sciences, ocean technologies, automotive, energy, agriculture and agri-food, services and tourism. Brazil is a key partner for investment attraction, retention and expansion initiatives, for science and technology collaboration, as well as for participation in global value chains.

Brazilians love their cellphones just as much as Canadians do, but their country lags far behind in terms of access to telecommunications: Brazil ranks 61st, behind China and India. This situation is due in part to the high price of telecommunications services and equipment, which eats into household budgets. This has led the Brazilian government to vote in phase two of its growth acceleration program, worth \$863 billion over six years.

Canada has a considerable advantage over other industrialized countries in terms of the quantity and quality of its infrastructure. Canada, which quickly became a leader in the information and communications technologies sector, remains at the cutting edge of these industries.

Our trip to Brazil helped us to understand that, right now, Brazil's higher education system still does not have enough space in its universities to accommodate a tide of five million students who will then be ready to enter the labour market. Today, Canada is the number one short-term study abroad destination for Brazilians. In 2011, approximately 20,000 Brazilians came to Canada to study. There is an active Brazilian Association of Canadian Studies, which was established in 1991 and includes over 500 members and 12 Canadian studies centres throughout Brazil.

I was pleasantly surprised to learn that, since 2007, 465 Brazilian students and professors have received scholarships to study or conduct research in Canadian universities. In addition, five Canadian universities are participating in the joint effort to promote the study of Brazil in Canada and established the Visiting Research Chair of the Brazilian Studies Program in 2003. This program has brought Brazilians to universities and meetings in Canada, including a biofuel conference in 2008.

Our committee encourages the Government of Canada to strengthen these important people-to-people exchanges because of their potential to enrich the Canada-Brazil relationship. I note with interest that, as a complement to the Agreement on Science and Technology, on August 30, 2010, Canada and Brazil signed a Memorandum of Understanding on Academic Mobility and Scientific Cooperation to encourage innovation between the two countries and support joint research projects.

While Canada has many local sports associations, Brazil identifies itself as a sports nation and has a network of sports clubs — a phenomenon unique to the middle-class — that encourage families to participate in sports mainly for leisure.

With regard to literary endeavours, although the book market is still narrow, it is gradually developing. Traditionally, music overwhelmingly dominates Brazilian culture. In that respect, we had the privilege of attending a capoeira performance, a traditional form of dance that simulates combat. Everyone greatly appreciated this moving performance by young people from *favelas*.

Honourable senators, before I finish my remarks, I would like to briefly mention the main thrusts of Brazil's foreign policy. Brazil's diplomacy is focused on the following priorities: to be recognized as a world power and spokesperson for international reform. Brazil is working to expand the United Nations Security Council and is a candidate for a permanent seat.

• (1340)

It supports the G20 as the preferred forum for global governance and the overhaul of international financial institutions.

The Hon. the Speaker pro tempore: Would the honourable senator like an additional five minutes?

Senator Fortin-Duplessis: I will need an additional five minutes.

The Hon. the Speaker pro tempore: Is there agreement, honourable senators?

Hon. Senators: Agreed.

Senator Fortin-Duplessis: Thank you. It is arguing for an end to the Doha Round.

Brazil wants to form strategic partnerships with the major emerging countries. It is developing an ambitious African policy and has recently developed a much more active Middle East policy. It plans on playing a larger role in resolving certain regional problems at the international level, such as the Israeli-Palestinian conflict and Iran's nuclear program.

Brazil is looking to strengthen the common market in the southern cone — Mercosur — consisting of Brazil, Argentina, Paraguay and Uruguay.

It also wants to be the driving force behind integration and the leader in South America. Under President Lula, Brazil became more involved in resolving regional crises in Colombia, Venezuela, Bolivia and Haiti. In addition to promoting regional integration through Mercosur, it is strengthening the Union of South American Nations, with a focus on the economy and defence. This strategy is supported by increased military protection at land and sea borders against illegal trafficking and organized crime.

Honourable senators, for several years, Canada has been developing a strategic partnership with Brazil based on an in-depth political dialogue, extensive cultural, scientific and technical cooperation, and the presence of major Canadian companies in key sectors of Brazil's economy. A number of high-level diplomatic visits are proof of the strength of this relationship. Dilma Rousseff's victory in the presidential election will enable this partnership to continue.

(On motion of Senator Andreychuk, debate adjourned.)

[English]

STUDY ON ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

SEVENTH REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on Human Rights entitled: *Level the playing field: A natural progression from playground to podium for Canadians with disabilities*, tabled in the Senate on June 12, 2012.

Hon. Mobina S. B. Jaffer moved the adoption of the report.

She said: Honourable senators, I am pleased to rise today to speak to the seventh report of the Standing Senate Committee on Human Rights entitled *Level the playing field: A natural progression from playground to podium for Canadians with disabilities*.

I want to take this opportunity to commend our esteemed former colleague the Honourable Vim Kochhar. This study is a result of his recommendation and vision. Senator Kochhar has done remarkable work supporting and advancing the Paralympic movement in Canada. Since retiring from the Senate, he has continued to serve this cause, most notably as the chairperson of the Canadian Paralympic Foundation and of the Canadian Foundation for Physically Disabled Persons.

He also provided valuable testimony and perspective as a witness during our committee hearings.

Thank you, Senator Kochhar, for your continued efforts and dedication to promoting the human rights of persons with disabilities. You are missed by all your colleagues in this chamber.

Honourable senators, the United Nations Convention on the Rights of Persons with Disabilities, which Canada signed in 2007 and ratified in 2010, recognizes the rights of persons with disabilities to participate in sport, recreational and leisure activities. Throughout our study, our committee realized that Canada has not fully recognized the rights inherent in the Convention on the Rights of Persons with Disabilities. Our government must act to ensure that Canada meets its human rights obligations under this convention.

I wish to draw your attention to Article 30(5) of the convention, which expressly pertains to recreation and sport. It requires member states to encourage and facilitate opportunities for participation, to

... ensure that persons with disabilities have access to sporting, recreational and tourism venues;

d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

e. To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

There are 4.4 million Canadians with disabilities. Some studies report that as few as 3 per cent of these individuals participate in regular organized physical activities. We know that persons with disabilities face particular obstacles to participation in sport, recreation and leisure activity, including costs for specialized equipment and transportation, the lack of specialized coaches, and limited information regarding existing sport opportunities.

Paralympic swimmer Darda Sales testified before our committee regarding the particular financial obstacles to participation, and she said the following:

Many athletes have got lost along the way and never made it to the international level because they did not have the finances to get there. It really is sad to see how many individuals with a disability are not active simply due to finances.

What a lot of people do not understand is that, for some accessible sports, there is specialized equipment that you need. If you want to play wheelchair basketball, you need a wheelchair basketball chair. If you want to play sledge hockey, you need a sledge. It is not quite as simple as grabbing a ball and away you go.

Core Canadian values — compassion and equality — demand that we as a country are more sensitive to the obstacles that impede the participation of Canadians with disabilities.

During the study, our committee heard from more than 30 witnesses. Our report addresses the issues of active living for persons with disabilities and human rights, health and human rights, barriers to participation, and athletic development in Canada.

The Human Rights Committee's report makes 13 recommendations. In the main, it calls for our federal government to ensure that all Canadians have equal opportunities to participate in sport by incorporating gender- and diversity-based analysis into the research and through the development and implementation of government programs and policies concerning participation in sport and recreational activities.

The report also recommends that the government ensure that there is open, transparent and substantive engagement with civil society, representatives from organizations advocating for persons with disabilities and the Canadian public regarding Canada's human rights obligations under the Convention on the Rights of Persons with Disabilities.

It further recommends that our government sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The report urges the government to do the following: review its ministerial structure in relation to health, active living and sport to ensure effective policy and program development; engage with provincial and territorial governments to facilitate the creation of more sport opportunities; prioritize the development of universally accessible sports and recreation facilities across Canada; address economic barriers such as high transportation and equipment costs for persons with disabilities; and celebrate the successes of Canadian Paralympians in a manner equal to the way that Canadian Olympians are celebrated and promoted.

Kim McDonald, Executive Director of the Paralympic Sports Association, defined the true spirit of Article 30(5) as providing everyone with "the opportunity to take part in sport at whatever level they are able."

This is the spirit and approach that the Human Rights Committee took as we deliberated and prepared this report, consulting with government representatives, organizations that promote the rights of persons with disabilities, Paralympians, UN representatives and other concerned citizens.

Our government must ensure that all Canadians have equal opportunities to participate in sport and recreational activities regardless of disability, gender, culture or ethnic origin.

• (1350)

Many witnesses highlighted the importance of championing access to community programs and initiatives for children and youth with disabilities. Honourable senators, when Canada ratified the Convention on the Rights of the Child, we committed to upholding the human rights of all children, including children with disabilities. We need to do more to live up to this commitment. We need to do more, honourable senators, because equal opportunity and access to sport and recreation can make all the difference in a young person's life.

Our committee heard from a young athlete, Christina Judd-Campbell, during our hearings. Ms. Judd-Campbell shared her story with our committee. She said:

For many years I really struggled. Outside my brothers and sisters, I did not really have any friends, and I had not found anything I liked or was good at. However, my life changed when I joined Special Olympics rhythmic gymnastics. . . . My successes in rhythmic gymnastics showed me if I worked hard, I could become very good at something. I became more confident and proud of myself. I now lead a very busy and full life. I train for rhythmic gymnastics almost every day. I have a part-time job at Staples, which is a few blocks from here. Monday to Friday mornings, I am at Algonquin College in a special program. About once a month, I give a speech or demonstration about Special Olympics. I have many friends that I see regularly, and I also take riding lessons and take care of my three horses.

Honourable senators, Christina's story shows the fundamental importance of physical activity in a child's life. As she said, "My life changed." Her physical, mental and social well-being dramatically improved.

[Translation]

I would like to emphasize that we strongly believe that the government needs to play a leadership role in renewing the Canadian Sport Policy and in developing a pan-Canadian strategy that promotes the rights of persons with disabilities and reflects provincial and territorial jurisdictions in that regard.

Federations epitomize the very notion of partnership and cooperation, and above all, they provide opportunities for leadership and coordinated action on complex public policy issues.

No single government in this country can solve the problems regarding the accessibility of sports to people with disabilities, but nor can we achieve better recognition of human rights in Canada without the federal government's active engagement.

The government is a body that brings people together and leaves no one out. Our playing fields, recreation centres and sports training facilities should be no different.

[English]

Honourable senators, I look forward to further discussion on our committee's report.

At this time, I would like to take the opportunity, on behalf of the committee, to thank Dan Charbonneau, the Clerk of the Committee, and Julian Walker, the Library Analyst. They both worked very hard to reflect the different views of the members of the committee, and I want to thank them on behalf of our committee.

The ways that we, as senators, can better advocate for the rights of Canadians with disabilities is the focus of this report.

Some Hon. Senators: Question.

Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

KOREAN WAR

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Martin, calling the attention of the Senate to:

(a) the importance of the Korean War, the third bloodiest war in Canadian History but often called "The Forgotten War"; and

(b) Canada's contribution to the three-year war on the Korean Peninsula, including the 26,791 Canadians who came to the aid of South Korea, 516 of whom gave the ultimate sacrifice, and the 7,000 Canadian peacekeepers who arrived following the signing of the Korea Armistice Agreement in Panmunjom 59 years ago this July 27.

Hon. Donald H. Oliver: Honourable senators, I rise today to speak to the inquiry to mark the importance of the Korean War for Canada, which was presented by our honourable colleague from British Columbia, Senator Yonah Martin.

As honourable senators know, on June 14, Senator Martin gave notice that she would call the attention of the Senate to the importance of the Korean War, the third bloodiest war in Canadian history but often called "The Forgotten War"; and Canada's contributions to the three-year war on the Korean Peninsula, including the 26,791 Canadians who came to the aid of South Korea, 516 of whom gave the ultimate sacrifice, and the

7,000 Canadian peacekeepers who arrived following the signing of the Korea Armistice Agreement in Panmunjom 59 years ago this July 27.

[Translation]

Honourable senators, I am very proud to take part in today's debate on this notice of inquiry. This is an excellent opportunity for me to recognize and extol the strong bilateral relationship that exists between Canada and South Korea.

Honourable senators, Black Canadians have a long history of service in uniform. Before the Second World War, it was often difficult for Black Canadians to enrol in the army. The attitude and prejudices of many of the people responsible for military enrolment were the cause of this. Nevertheless, Canadians of African descent have left a lasting mark on Canadian military forces for many decades since that time.

And many have made the ultimate sacrifice.

[English]

My grandfather, William White, for instance, enlisted in the Canadian Army and served as chaplain during World War I. He was the only Black officer in the British Army.

During World War II, several thousand Black men and women served our country and defended the principles of freedom and democracy in Europe.

Since 1945, the tradition of Black Canadian service in the military has expanded and evolved. With the Korean War, Canada returned to the battlefield to join the United Nations forces. Black soldiers were among Canadian Army troops that were sent to fight halfway around the world — in a country most knew nothing about.

I think, for instance, of Joseph Allan Niles of Halifax, Nova Scotia, who enlisted in the Canadian Forces in May 1951 at age 17. He became part of a special force with the Royal Canadian Regiment. In March 1952, he left for Korea, where he took part in fighting patrols and saw action on the front lines.

[Translation]

Born in 1931, Gus Este, a Black man from Montreal, also served his country with distinction as a medic in the Korean War. He later participated in tours to Egypt and Germany.

Errol Patrick, also from Montreal, retired after a brilliant 33-year career with the Canadian Forces. Mr. Patrick joined the Canadian Armed Forces during the Korean War. He served with the First Regiment Royal Canadian Horse Artillery as an artillery soldier. He was a valiant soldier who contributed to Canada's war effort in Korea. In 1985, he retired as Chief Warrant Officer of Artillery.

[English]

The memory of these three Black Canadian soldiers who served in Korea needs to be recounted. It is in honour of them, and the thousands of other Canadian Veterans, that I wish to speak to Senator Martin's inquiry.

Furthermore, I have also been engaged politically in matters related to the Korean Peninsula for many years now. As President of the Canadian Group of the IPU, I have worked closely with senior members of the Legislative Assembly in the Republic of Korea, including Mr. Young Chin, in an initiative to create a "special IPU committee on peace and Korean reunification." Together, we want to find ways to strengthen the ties between our two countries, and also between the two Koreas. This committee would promote humanitarianism and human rights; facilitate inter-Korean dialogue, exchange and cooperation; encourage the economic development of North Korea; and help reunite families from both Koreas who were torn apart during the war.

• (1400)

Despite receiving strong support from many nation members, the IPU chose not to establish such a committee at this time.

I find it fitting, honourable senators, to say some more words about Senator Martin's inquiry. She gave a touching account of the consequences of the Korean War for Korean families and Canadian soldiers, and she highlighted Canada's countless contributions to the UN efforts in Korea. I thank Senator Martin for bringing this important topic to the Senate and for allowing honourable senators an opportunity to participate in this debate.

As Senator Martin pointed out, the Korean War is often called "The Forgotten War" due to the lack of publicity and press coverage it received at the time. As one Korean War veteran recently said:

We were neglected for a long time. The Korean War was too close to World War II, then Vietnam came along and it was a television war. The only thing you saw about Korea was little bits in the paper or short snatches on the cinema newsreel.

Many Canadians are not familiar with Canada's role during the Korean War, one of the Cold War's most tense episodes. Therefore, it is that much more important to commemorate Canada's efforts in Korea and honour our men and women who served there, including the many Black soldiers who were also sent to fight.

Honourable senators, two days ago, June 25, marked the sixty-second anniversary of the breakout of the war. It was on June 25, 1950, that forces from North Korea crossed the thirty-eighth parallel into the Republic of Korea. As you know, it was after World War II that the thirty-eighth parallel was established as the dividing line between the newly independent countries of North and South Korea. A number of cross-border raids and attacks took place between the two countries between 1945 and 1950, but on June 25, 1950, it was immediately clear that the North Korean assault on South Korea was a breach of peace and a full-scale invasion.

The Korean War opposed a communist state, North Korea, to a capitalist state, South Korea. On the one hand, North Korea was aided by the Chinese and Soviet forces. On the other hand, the United Nations called upon its members, including Canada, to take collective military action against North Korea's aggressive military invasion. Canada answered the call to duty.

Within three weeks of the start of the war, three Canadian destroyers were dispatched to Korean waters to serve under UN command. All branches of Canada's Armed Forces saw action in Korea: ground, naval and air. Our Royal Navy was among the first in and the last out. It sent more than 3,600 officers into action. On the ground, 22,000 soldiers made up the Canadian Army Special Force. In total, nearly 27,000 Canadians participated in the war. An additional 7,000 Canadians served after the signing of the armistice in July 1953, with some Canadian troops remaining in the country until 1957. Our Canadian military did some outstanding work in Korea.

Allow me to draw your attention to one of our Canadian Forces success stories in Korea, the Battle of Kapyong in April of 1951.

The battle was between the 27th British Commonwealth Brigade, made up of Canadians and Australians, and the North Korean and Chinese forces. The Princess Patricia's Canadian Light Infantry, a component of the Canadian Army Special Force, served on the 27th Brigade. The allied soldiers endured months of bitter cold weather and rugged country while forcing the Chinese to withdraw to the north. By mid-April 1951, the Commonwealth allies descended into Kapyong Valley where it met a large-scale offensive attack by the Chinese and North Korean armies. The Commonwealth brigade established blockades and developed defences in the Kapyong Valley to prevent the Chinese from moving further south. The Australians were defending Hill 504, and the Canadians were stationed at Hill 677.

On April 22, the Chinese infiltrated the brigade position on Hill 504 and the Australians were forced to withdraw. The Chinese then turned to the Canadians on Hill 677. The Chinese were unable to dislodge the Canadians, who stood their ground and stopped an entire Chinese division from breaking through the UN command's central front.

Ultimately, Canada's role in this battle prevented the Chinese capture of Seoul, the capital of South Korea.

Ten Canadian soldiers were killed during the offensive and 27 were wounded in the Battle of Kapyong. The brave Canadians who fought in Kapyong earned a United States presidential citation for their undeniable valour. It was, indeed, a key victory for the UN allied forces.

In addition to the Battle of Kapyong, we have many other reasons to be proud of our Veterans who fought in Korea. I think, for instance, of the soldiers of the 3rd Battalion of the Royal Canadian Regiment, who fought at the Battle of Hill 187 on May 2 and 3, 1953. It was Canada's bloodiest engagement of the Korean War. It raged on for eight hours. Canada lost 25 soldiers in the battlefield that day; 27 were wounded and 8 went missing in action.

Despite the aggressive Chinese offensive, the UN forces maintained control of Hill 187. It was also the last significant military offensive by Canadian Forces during the war. Peace talks eventually led to the signing of the armistice on July 27, 1953.

In total, more than 930,000 individuals from 16 allied nations served in the UN command forces during the three-year war. UN fatal and non-fatal battle casualties were approximately 490,000, including 1,558 Canadians.

Some sources estimate at more than 2 million the number of military casualties on both sides, and 2.5 million civilians were either killed or wounded during the war. These numbers are huge. Each casualty, both civilian and military, represents an individual who deserves to be remembered, not forgotten. It is because of them and for them that I am honoured to participate in this debate.

Honourable senators, the contributions of Canada to the Korean War have not gone unnoticed. There is a deep sense of gratitude in South Korea for the Canadians who fought there. For instance, a monument to Canada's war effort was erected in South Korea in 1985. The Canadian Memorial Naecheon is situated in front of the hills that were defended by Canadian Forces in the Battle of Kapyong.

Three days ago, on June 22, South Korea bestowed a unique honour on Canada's oldest living veteran of the Korean War. The South Korean government issued a then-and-now set of stamps in honour of Major Campbell Lane, who served in Korea.

Last Friday, a top official from the South Korean Veterans Ministry visited Major Lane, who turns 100 years old next week, in his home in Ottawa to express South Korea's most fervent thanks for his service as commander of the engineers corps.

Here at home, Korean War Veterans are honoured in Brampton, Ontario. A 60-metre-long memorial wall commemorates the 516 Canadian soldiers who died during the Korean War. Each soldier who paid the price of freedom with his life has an individual bronze plaque in his honour.

Last year, Prime Minister Harper and Veterans Affairs Minister Steven Blaney attended a memorial service at the memorial wall to commemorate the fifty-eighth anniversary of the Korean War armistice.

At the ceremony, Prime Minister Harper said:

The selfless sacrifice of those who accepted the challenge helped establish Canada's reputation as a nation that will fight against injustice and repression beyond its borders.

Minister Blaney added:

As one of Canada's most significant armed engagements of the 20th century, we must remember the sacrifices of those Veterans who gave so much in the defence of freedom and democracy and ensure that their legacy is preserved for future generations.

Ottawa, our nation's capital, is also home to the Monument to Canadian Fallen. It commemorates Canadians who served in Korea. The monument depicts a Canadian volunteer soldier and two Korean children. An identical monument stands in the United Nations Memorial Cemetery in Korea, where 378 Canadians lie buried.

The Government of Canada's Veterans Affairs website also pays tribute to many Veterans of the Korean War, including the African-Canadians Joseph Niles, Gus Este and Errol Patrick. They each have a profile online with their biographies and archival video interviews.

Prime Minister Harper also recognizes the fact that the heroic efforts of our Canadian men and women during the Korean War have not received the attention they deserved.

• (1410)

On May 6, 2011, he paid tribute to them and he said:

The tragedy of the Battle of Hill 187 and the incredible victory of the Battle of Kapyong — two of the unforgettable battles of the Korean War — had not been properly reported in Canadian newspapers then. Today on behalf of the Government of Canada, I wish to honour the Canadian Veterans of the Korean War . . . I encourage all Canadians to remember these historic days in hopes that the Korean War will never be "forgotten."

Honourable senators, I, too, believe it is important for all Canadians to remember the sacrifices of all Veterans who served in the Korean War. Their stories deserve to be told.

It is only fitting, then, that on June 8, 2010, the Senate unanimously adopted a motion presented by Senator Martin to recognize and endorse July 27 annually as National Korean War Veterans Day.

Honourable senators, could I have five more minutes?

Hon. Senators: Agreed.

Senator Robichaud: Ten minutes.

Senator Oliver: Canada's participation and contribution to the Korean War demonstrated our willingness to uphold the United Nations' ideals and to take up arms in support of democracy and peace. It is my hope that one day we will no longer refer to this war as the "forgotten" one. In many ways, it shaped our nation and marked a new era of involvement in world affairs for Canada. It saw Canadian troops deployed around the world in peace commissions and emergency forces. It contributed to making Canada a peacekeeping nation.

Honourable senators, I also invite you to join me in thanking the Honourable Senator Martin for the outstanding work she does in increasing awareness of Canada's efforts in the Korean War. Of course, I encourage honourable senators to participate in this debate on this subject. It is important that we all join in on this conversation.

In honour of the 26,791 Canadians who served in our forces during the war and the other 7,000 who served as peacekeepers, I urge the Senate to recognize their many contributions and their commitment to peace and freedom.

Together, we can do more than never forget. We can set the record straight about Canada's remarkable participation during the Korean War.

Hon. Michael Duffy: Honourable senators, I would like to associate myself with the comments made by the previous speaker and by Senator Martin in raising this matter.

I think it is remarkable that we hear the phrase "Korean War" being used here. For generations after that terrible conflict, bureaucrats in this town referred to it as a "police action"; it was not a war.

Why did they refer to it as a police action? So they could deny those brave souls who went over there and fought for freedom their proper Veterans' benefits, which you get from being in a war. It was shameful. It is part of a continuing legacy in this town of previous administrations, putting down those that have made great sacrifices. I am thrilled to see that our two colleagues have been brave enough to stand up — and the Prime Minister in his remarks — to call it what it was. It was a war for peace in Asia, and no one can deny that.

Hon. Roméo Antonius Dallaire: I have a question, and it was to Senator Oliver before this intervention. Senator Oliver still had time, the honourable senator intervened and I was not seen. May I ask a question to Senator Oliver in his time remaining?

The Hon. the Speaker: Is that agreed?

Hon. Senators: Agreed.

Senator Dallaire: I thank Senator Oliver for the very appropriate historical review of Canadian participation in the Korean "conflict," which in fact is the term historians use. In that UN conflict, the honourable senator mentioned the PPCLI on Hill 677. My regiment, 1 RCHA, fought in support of that hill. Each gun fired over 800 rounds that night. In fact, the cooks were hauling the ammunition from the trucks right into the breeches of the guns. That hill stood as a monument to the bravery of the Canadian Forces in Korea, compared to a number of other allies: well done to raise Kapyong.

However, when I entered the forces, there were still Korean Veterans serving, and one of them was a Black sergeant called Sammy Best.

I wanted to ask a question in relation to the honourable senator mentioning Black soldiers and how they were accepted within the ranks in the army, even though they were Veterans. The night after Sammy Best arrived in Germany, there was what we called a "snowball." This was an alert exercise that we would be called upon to respond to, go to the base and prepare to leave. They were going around the town on the microphones saying "snowball." In the married quarters they would knock on the doors of people to wake them up, because it was two o'clock in the morning, and say "snowball."

Sammy Best was a Black soldier. He answers the door and this White guy says "snowball," and Sammy Best drops him, punches him out. Sammy Best is charged for assault, but subsequently was not court-martialled.

However, there was still a sense of friction with the Black soldiers, even though they were Veterans. Has the honourable senator picked up on any of that in his conversations with Veterans?

Senator Oliver: I have not had conversations with the Veterans; I just read. What I know is that the first Black man to serve in the First World War was my grandfather, and he left many stories about accounts of overt racism that he encountered, even as a man of the cloth during the war.

Later, in the Second World War, my brother, Rev. Dr. Oliver, served as a chaplain in Europe and also encountered gross indignities because of race relations. During the Second World War, it was not possible for a number of Blacks who enlisted to serve, so they had to form, as the honourable senator knows, their own regiment in order to be able to defend and serve their country.

There is no question that the 19th century was not a century for Blacks who wished to enlist to serve their country.

Senator Dallaire: It is interesting that the only French-Canadian regiment in World War I was created under the same auspices of not wanting to let the French soldiers be together because they were fearful of who they would actually be loyal to. They spread them around the army, and finally we were able to convince the government to create a French-Canadian regiment, the Van Doos, that have fought very well. We went the other way on the French-Canadian side.

Thank you for your intervention.

Senator Oliver: The Blacks were the construction battalion, and that is the battalion that went overseas and consisted of 100 per cent Black soldiers who wanted to serve their country.

Hon. Betty Unger: Honourable senators, I also rise to pay tribute to Canadian Veterans of the Korean War whose sacrifices laid the foundation for the strong and free Republic of Korea that we know today.

In the tragic turn of events following June 25, 1950, when the North Korean army invaded the South, the international community quickly responded to the crisis and mobilized through the United Nations with 16 countries, including Canada, sending in troops to assist in the combat. Over the course of the war, approximately 266,000 served in the United Allied Forces, of which 26,791 were Canadians.

With the help of the United Allied Forces, South Korea succeeded in counterattacking the North Korean advance, but the intense and ongoing fighting did not result in a decisive victory on either side.

Finally, an armistice was reached in Panmunjom on July 27, 1953, which left Korea split across the 38th parallel. Thanks to UN and Canadian efforts, South Korea retained its sovereignty.

Since the temporary resolution of the conflict, South Korea has shown remarkable strides in its development, jumping from the rank of second poorest country in the United Nations to the

eleventh strongest economy in the world. Today, South Korea serves as an ideal model for growth, and most poor countries attempt to reproduce the "Miracle on the Han River," which saw the astonishing transformation of South Korea from a country heavily dependent on development aid to becoming a prosperous and aid-contributing nation in just six decades.

• (1420)

South Korea's economic prosperity has been equally accompanied by its flourishing democracy, for which the Republic of Korea feels deeply indebted to the international community and all those who defended her freedom.

As a token of gratitude, Korea's Ministry of Patrons and Veterans Affairs sponsors revisits of Korean War Veterans each year. One example is the Kapyong Revisit Program every April. This year alone, 52 Korean War Veterans, accompanied by their family or caregivers, travelled to Korea for the first time since they had fought in the war. What made this year extraordinarily special was the long-awaited, 60-year reunion of Private Archie Hearsey with his older brother Joseph, who had died in action in 1951. According to her father's wishes, Private Archie's daughter, Debbie Hearsey, carried the ashes of her father to Korea to be buried with his brother Joseph.

I had listened as my colleague, the Honourable Yonah Martin, spoke about the Korean War. However, it did not really touch me until a friend of mine from Edmonton, Brenda Aruda, told me about the bittersweet experience she and her father had when they travelled with other Veterans and their families to Korea this past April. Brenda's father's name is Norman Thomas Arthur and, like many of the Korean Veterans, a trip back to Korea was always on his mind.

This year, when Brenda accompanied her father, a recent widower, on his first trip back to Korea this year, she recounted the following stories of their trip. She talked about the wonderful send-off from Vancouver, at which Senator Martin spoke. They were astonished to see over 200 media people waiting to greet them on their arrival in Seoul, South Korea. Mr. Arthur was amazed at how far South Korea had come in 60 years. She remembered her dad saying, "This trip was like walking in the past and fast-forwarding to the future."

Brenda and her dad equally found the trip to be very emotional because she and Debbie Hearsey connected in a very special way. Both were mourning the loss of a parent, and together they learned so much about the Korean culture and the value and sacrifice of our Canadian Veterans.

Seeing the foothills where the battles were fought so many years ago hit the Veterans with heavy hearts. Mr. Arthur said that this was the Korea they remembered.

On the day of the funeral it rained so hard, it was as if South Korea was weeping also, but all the trees were in bloom and the cemetery looked beautiful. It was sad to watch as Veterans searched among the tombstones for a lost family member or friend. One Veteran was looking for the name of a fellow he had carried from the battlefield but who did not make it.

Mr. Arthur was a medic and a member of the Princess Patricia's Canadian Light Infantry from Edmonton. He arrived near the end of the war. His primary duty was peacekeeping, although the fighting had not yet ceased. Brenda reminded her father of the importance of peacekeeping and the difference they also helped to make.

The role of the Princess Patricia's Canadian Light Infantry is to close with and destroy the enemy through a variety of methods, most importantly by foot and in rough terrain, which would prove difficult for mechanized forces. The 2nd Battalion of the Princess Patricia's Canadian Light Infantry, or PPCLI, was awarded the U.S. Presidential Citation for its gallant participation in the Battle of Kapyong, which was fought furiously in late April 1951.

Brenda also said:

One thing we will never forget was the way the veterans and their families were treated: and that was with true, honest and genuine respect from all the Korean people.

Even young Korean students were involved, by helping to push Veterans in their wheelchairs and doing whatever they could to help.

She closed by saying:

It is so difficult to explain with words why I proudly cried for those soldiers who rest in peace in Korea.

Honourable senators, I cannot imagine the pain and suffering endured by the families and friends of those who fought in the Korean War, and the 516 soldiers who paid the ultimate price. They fought in a war that was called a "conflict." When they returned home, rather than a hero's welcome, they were ignored and forgotten.

On behalf of all those brave soldiers and their families, I wish to thank Senator Martin for speaking to us and all Canadians about this war.

Honourable senators, please join me in celebrating the success story of the Republic of Korea, founded on the sacrifice of our proud Veterans and the promise that the Canadian Forces has not forgotten — and will not forget — those who fought there 60 years ago.

(On motion of Senator Dallaire, debate adjourned.)

IMPORTANCE OF ASIA TO CANADA'S FUTURE PROSPERITY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy, calling the attention of the Senate to the importance of Asia to Canada's future prosperity.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it gives me a great deal of pleasure to rise today to speak to Senator Poy's inquiry on the importance of Asia to Canada's future prosperity. I thank the Honourable Senator Vivienne Poy for bringing this important matter to the attention of the Senate of Canada.

Canada and Asia have developed strong, interdependent relations based on trade, culture, development, immigration and other vital areas of international cooperation. Asian culture is deeply woven into the fabric of Canadian society and history. It is imperative that we understand, communicate and reiterate the extent to which Asia matters to Canada.

Before beginning my remarks, I would like to take a few moments to recognize Senator Poy's many contributions to Canada and to the institution that we serve. Senator Poy is a remarkable woman who has made significant contributions to the fields of commerce, education, philanthropy and public service in Canada. In her time here at the Senate, Senator Poy has shown dedication to gender issues, immigration, multiculturalism and human rights. Her public policy and legislative roles have directly and positively impacted the lives of Canadians, as evidenced most notably by her leadership role in having the month of May recognized as Asian Heritage Month across Canada. Thus, it gives me great pleasure to contribute today to her inquiry.

[Translation]

As Senator Poy clearly pointed out, we know that Asia will become the world centre for innovation and technology in the next decade. As the global leader in the manufacturing of goods for mass consumption, Asia needs not just our natural resources, but also our technologies and know-how in the areas of education and governance.

Thus, Canada's long-term prosperity will depend on the ability of our Canadian decision-makers to understand and seize economic opportunities in this region of the world and to benefit from them. Some businesses, post-secondary institutions, non-governmental organizations and provincial governments already have close ties with Asia.

• (1430)

[English]

Canada has a rich history of engaging with Asia, from early Canadian missionaries of the 19th century to the sale of wheat in the 1960s. China is of particular significance to Canada and to my home province of Alberta. The long-standing relationship established between the two, in my view, is an example of effective, cross-cultural dialogue, partnership and cooperation.

Approximately 137,000 Albertans are of Chinese decent. Alberta's Chinese-English bilingual program is the first such program in the world. In total, 14 Albertan schools offer such programs. China is also Alberta's second highest source country for foreign students and is an emerging science and technology market for the province, with several agreements designed to enhance research and development cooperation in the areas of information and communications technology, life sciences, environmental technologies, advanced materials, energy-related technologies and high-tech agriculture.

I am also proud to say that the University of Alberta boasts the China Institute, a research centre dedicated to enriching the dialogue and reinforcing understanding between Canada and China. The institute was founded in 2005 to foster and support new teaching activities between Canada and China, and to promote strong, academic linkages between the University of Alberta and Chinese universities.

The institute focuses on the study of contemporary China, including cutting edge and policy-relevant research on Chinese energy policy, politics, economy, social issues, culture and Canada-China relations. The China Institute thus serves as a hub, connecting the University of Alberta, the city of Edmonton, the province of Alberta and Canada with Chinese universities, institutions and other local communities. Since the founding of the institute in 2005, the University of Alberta has cultivated a large network with local government, research institutions and funding agencies.

I would also like to add that the University of Alberta's Mactaggart Art Collection, composed of more than 1,000 rare works of Chinese art, plays a significant role in furthering our knowledge of East Asian cultures, traditions and practices in the province of Alberta. It has been certified by the federal government as Canadian cultural property and has met the standards of national importance. This direct contact with objects of cultural and artistic significance promotes Asian heritage through visibility and accessibility, and contributes to intercultural relationship building and understanding.

Honourable senators, China is the fastest growing major economy of the 21st century and is Alberta's second largest trading partner. With one fifth of the world's population and an annual growth of nearly 10 per cent, the Chinese economy has doubled every seven to eight years since the late 1970s. This trend has created the longest continuous economic expansion for the largest proportion of the world's population in human history. In a matter of decades, China has moved several hundreds of millions of people out of poverty, another unprecedented record in history.

The country is moving on its modernization path with full speed. Today, China is the fourth largest economy after the United States, Japan and Germany. In recent years, economic ties between Canadian and Chinese markets have been expanding at rapid rates, as China increasingly relies on Canada's natural resources and, particularly, Alberta's energy sector to continue to grow.

Chinese investments are flowing in Alberta at unprecedented rates and will play an important role in defining the future of the energy industry. With this in mind, we need to play a more significant role in encouraging a wider range of economic ties, investments and tourism from this part of the world.

Senator Poy called upon our government to strengthen our relationship with a region that will undoubtedly grow in importance for Canada's future prosperity. I have tried to highlight but a small number of cross-cultural initiatives, partnerships and agreements that are taking place in my home province and that are of enormous benefit to Canadian society.

I thank the honourable senator for giving me the opportunity to speak on this matter, and I wish her a very happy and fulfilling retirement from the Senate.

Hon. Hugh Segal: Would the Honourable Senator Tardif accept a question?

Senator Tardif: Certainly.

Senator Segal: I think all honourable senators would want to be associated with her accurate, reflective and constructive comments on Senator Poy. She really has been a tremendous leader in this place and elsewhere on the issue of our relationship in constructive trade with Asia.

I would be interested in Senator Tardif's advice on how we balance the remarkable opportunities for trade and commerce, the tremendous economic success that the Chinese have shown, and the liberation of so many from poverty because of their very hard work and intense commitment to building a broader and open economy, with some of the compelling human rights issues that continue to be part of the dialogue between Canada and China, and the growth of Chinese investment in her province in a way that is probably inherently constructive between our two societies. How do we avoid the context where we use constructive trade as a way of avoiding the more unpleasant discussion about human rights? Or, is there a way, in the honourable senator's judgment, to make use of those trade relationships in a fashion that respects Chinese history but does not desert the commitment to human rights, democracy, minority rights and freedom of expression which we share with so many of our trading partners around the world?

Senator Tardif: I thank the senator for the question. I am sure that Senator Segal could answer that question much more eloquently than I could.

Therefore, I will go no further than to say that we have had a similar discussion this morning with regard to Canada-Jordan Free Trade Agreement. As Senator Di Nino so aptly said, let us move toward the invitation of dialogue, rather than to closure of dialogue.

The Hon. the Speaker: Is it agreed that this item remain standing in the name of Senator Day?

Some Hon. Senators: Agreed.

(On motion of Senator Tardif, for Senator Day, debate adjourned.)

[Translation]

ELECTORAL RIDING REDISTRIBUTION

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chaput calling the attention of the Senate to the process for readjusting federal electoral boundaries and the impact it could have on the vitality of official language minority communities.

Hon. Fernand Robichaud: Honourable senators, I would like to continue my speech on this inquiry.

My speech could be labelled "best before June 22" because the New Brunswick Commission issued its report on the redistribution of federal electoral districts last Friday.

I live in Saint-Louis-de-Kent, located in the northernmost part of the riding of Beauséjour. Beauséjour is located next to the riding of Miramichi, which has a population of 52,000. As the average population for a riding in New Brunswick is approximately 75,000, Miramichi is clearly shy of the permitted 25 per cent variance.

The riding of Beauséjour is also bordered by the riding of Moncton, which includes the cities of Moncton, Dieppe and Riverview. The riding of Moncton currently has a population of 98,000, which is over the allowable variance of 25 per cent.

Changes had to be made, and I believe that the Commission has done a good job because it has endeavoured to balance the different populations. This has resulted in the reversal of the situation: the number of constituents in the riding of Moncton has been decreased from 98,000 to 82,000.

• (1440)

Beauséjour was at 78,000 and now it is up to 92,000 making it New Brunswick's most populous riding because the entire city of Dieppe was added to the riding of Beauséjour.

There is still one problem. Earlier, I talked about the riding of Miramichi, whose boundaries were changed. At one time, it included the region of Belledune, which was right on Chaleur Bay, making the MP's work quite difficult, I think. Now I believe it is part of the riding of Acadie—Bathurst, which is within the limits.

But the riding of Miramichi is still below the 25 per cent limit. When there is justification for it, the commission can allow the riding to remain with a population below the 25 per cent limit. That is what it did. And I have no problem with that. Had I spoken to this before June 22, I would have reminded the commissioners that they should take into account both rural and urban regions because I believe it is more difficult for an MP in a large rural riding to serve the people than it is for an MP in an urban riding where the population is much more concentrated.

They kept the riding of Miramichi below the allowable limit, and I agree with that. Whether I agree or not, the people will decide, but I think this is good because the riding covers a lot of territory.

There is one thing that I would not have changed had I been there. The upper Richibouctou region, home to the Elsipogtog Aboriginal community and all of the communities along the river, was added to the riding of Miramichi. I believe that region should have remained part of Beauséjour simply because the community has more in common with Richibouctou and Moncton.

It is not easy for a commission to take a whole province and play around with population, communities and territory. We just have to wait now as the commission will hold hearings, and I hope that people will take the time to express their views on the new boundaries.

The Hon. the Speaker: Do other senators wish to speak? If not, the inquiry is considered concluded.

(Debate concluded)

FRENCH EDUCATION IN NEW BRUNSWICK

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Losier-Cool, calling the attention of the Senate to the current state of French language education in New Brunswick.

Hon. Fernand Robichaud: Honourable senators, I see that this inquiry has reached its allotted limit of 15 days. I need a bit more time to do my research before I can deliver my speech on the current state of French language education in New Brunswick.

(On motion of Senator Robichaud, debate adjourned.)

[English]

MAINTAINING MERCHANTS' RECORDS OF SALES OF NON-RESTRICTED FIREARMS

INQUIRY—DEBATE ADJOURNED

Hon. Joan Fraser rose pursuant to notice of June 21, 2012:

That she will call the attention of the Senate to the desirability of maintaining merchants' records of sales of non-restricted firearms.

She said: I regret to inform honourable senators that I am rising to speak one more time, I hope the last time, about guns, specifically long guns, but I am not speaking about the gun registry. As honourable senators know, Bill C-19 is the law of the land, so I am talking about something more in the nature of what has turned out to be a consequential matter.

Some of you may have noticed that, I think it was last week, the Legal and Constitutional Affairs Committee reported that it had studied a regulation presented by the Minister of Public Safety. A regulation may sound a bit bureaucratic, but this one is very important.

This regulation says that provincial chief firearms officers may not oblige gun merchants to keep records of non-registered guns, that is, long guns, that are bought by their customers. Let me stress again: This is not the long-gun registry and it is very important to keep the distinction clear. The records to which I refer have been, for many years, kept by merchants in ledgers

known as "green books." They existed for nearly 20 years before the registry was established, and they were compulsory. They are used basically for two purposes.

First, the chief firearms officer in each province and territory uses those ledgers to check gun merchants' inventory during local on-site inspections. The information is not centralized, but if an inspection discovers that something has gone wrong, that a gun is missing or has been stolen, then, because that is a clear signal that something has gone wrong, that information is reported to CPIC, the national information system for the police.

The second way in which the ledgers are used, the green books, is that if the police have reason to believe that a gun that has been used in the commission of a crime comes from a given merchant, they can get a warrant to consult the record of the sale of that gun, so these records are a real tool for law enforcement. They have no impact whatsoever on ordinary law-abiding gun owners — none — no cost, no bureaucratic hassle, nothing, but they are important for law enforcement. If keeping them is not compulsory, your committee heard from a number of people that the door will be opened for criminals to operate more easily.

I would stress that there is nothing revolutionary about the concept of keeping these records. Many countries require comparable records to be kept — the United States, the U.K., Australia, New Zealand, as well as countries in Europe. The United States federal law requires gun merchants to keep records for 20 years. In addition, various international instruments — conventions, protocols, agreements, United Nations programs — relate to small arms, and they all require the keeping of detailed records for law enforcement purposes and not for the purpose of harassing innocent citizens. They are kept for law enforcement purposes.

In Canada, in the years when these ledgers were compulsory, which is basically before the gun registry was established, there were, so far as we were able to ascertain, never any complaints from anyone about them.

• (1450)

I found it interesting to look back at the testimony that was given to the committee when we were studying Bill C-19 from Sergeant Murray Grismer, who is a police officer from Saskatchewan. He said:

Years ago, before I became a police officer, I worked in retail sales in a sporting goods shop. I am very familiar with the ledgers that were kept then. That kind of a system was not onerous then and I do not think the dealers of today would consider it onerous now.

These records, of course, assume particular importance now that the long gun registry is being abolished under Bill C-19.

Let me just remind you, honourable senators, that when we are talking about long guns, we are not just talking about, to use the frequent phrase, "duck guns" that are used by law-abiding hunters. Unfortunately, the category of non-registered firearms in this country also includes some that no one thinks of when they think of law-abiding hunters. I will cite three: The IMI Tavor

[Senator Robichaud]

TAR-21, which is categorized by its manufacturer as an assault weapon; the Steyr Mannlicher HS .50 M1, which is a .50-calibre sniper rifle that can pierce light armour at 1.5 kilometers; and then of course the famous Ruger Mini-14, which killed 14 women and wounded 13 others in about 20 minutes in Montreal, and which has been dubbed the poor man's assault rifle. It can be modified to be even more effective, and that is how one man was able to kill 69 people, most of them young, in Norway last summer.

That is one reason why, when Bill C-19 was being studied, many witnesses, including the police, said it was important to reinstate this compulsory ledger system, to reinstate these compulsory green books, as they are called. For example, Chief Rick Hanson of the Calgary Police Service said flatly, "We must reinstate point of sale recording," and he was just one of quite a number of people.

In earlier versions of the bill to abolish the long gun registry, the requirement to keep the ledgers was in there, but it was not included in Bill C-19. Nevertheless, statements from the bill's proponents at that time certainly suggested that one reason that no one should worry about the loss of the registry was that these records would exist. For example, the Minister of Public Safety, Mr. Toews, said:

Gun shops, in fact, keep records of their sales and those records can be accessed through a warrant or other appropriate provisions. You don't need the registry for that.

More explicitly, Mr. Tony Bernardo from the Canadian Sports Shooting Association, which has been one of the most assiduous campaigners for the abolition of the registry, said to our committee:

Remember that all businesses are required to keep records mandated by the chief firearms office of the province that they live in. To remove the record from this registry does not remove their obligation to keep business records. Business records are mandated by the chief firearms office in the issuance of a business permit. . . . The record-keeping requirements are not going away . . .

It seems clear.

It is hardly surprising that after Bill C-19 was passed, a number of chief firearms officers turned their attention to the green books. Notably, the chief firearms officer of Ontario notified gun dealers that they would henceforth have to keep green books in connection with the sale of long guns. His authority for doing this was section 58 of the Firearms Act, which says that the chief firearms officer may attach any reasonable condition — any condition that the CFO considers reasonable — to the business licence of a gun dealer.

However, then — whoops — Mr. Toews and the anti-registry lobby suddenly became very upset. My notes say, "went ballistic," but I think that is a bad pun in this context. Mr. Toews wrote to the chief firearms officers to say, "You may not oblige gun merchants to keep the green books." Then, just in case anyone was in any doubt, he presented the regulation that your committee studied last week.

Apart from Mr. Toews and groups like the Canadian Sports Shooting Association, just about everyone else thinks the compulsory green books should be required for long guns. Certainly the police think so.

[Translation]

For example, Chief Mario Harel, Vice-President of the Canadian Association of Chiefs of Police, said to your committee:

[English]

. . . firearm vendor ledgers provide at least one method through which law enforcement can investigate a long-gun used in a criminal act — I repeat, in a criminal act.

It is not a searchable, centralized database. It has no cost to Canadians. It does not criminalize law-abiding citizens, and it places no burden upon them.

Why would we remove such a practice and how can we justify it from a public safety perspective?

Those are good questions, in my view.

Victims pleaded for the maintenance of the registries. Many of you may have come across Ms. Sue O'Sullivan, who is the very eloquent Federal Ombudsman for Victims of Crime. She sent a submission in, saying:

Requiring that information be collected and maintained at the point of sale for non-restricted firearms is an important tool that can assist law enforcement in preventing further victimization, and effectively investigating victimization that has occurred. For victims, this investigative tool is essential in providing them with access to justice.

Many of you have also over the years become familiar with Ms. Priscilla de Villiers, a most eloquent spokesperson for victims, who is a great lady. She wrote to the committee:

The inconvenience of registering the purchase of a gun —

— that is, at the point of sale —

— pales by comparison to all the forms and processes that we, who have lost children or have been injured by gun violence, continue to live with for many years.

Yet again, the need to prevent further victimization is put aside in this rush for convenience. Piece by piece, we are weakening the systems and precautions to prevent victimization by firearms that Canada had made much progress at implementing. Step by step we are singling out long guns as being immune to the usual controls on sales to qualified buyers that apply to all other commodities which are potentially harmful to society.

Opponents of the green book system say that they do not like it because it opens the door to a back-door gun registry. Frankly, honourable senators, I believe that to be an absolutely ludicrous assertion, but do not take my word for it. Take the word of the Prince Edward Island government. We received a submission

from Ms. Janice Sherry, who is the Minister of Justice and Attorney General in Prince Edward Island. She wrote us quite a long and strong letter. Among other things, she said:

If the concern surrounding the ledgers is that, in the custody of the Firearms Office, they could be used to create a form of a registry, this is simply not feasible . . .

The reasons she gave for it not being feasible are that it would be impossible to set up a provincial registry of non-restricted firearms using only the information that is kept in a firearms business ledger.

These ledgers only contain the information relating to transactions that occur at that business. There are literally thousands of firearms bought and sold among individuals every day in this country. Any attempt to build a registry from this information —

— that is, the merchants' information —

— would be pointless as there would be no means of ensuring the ongoing accuracy or integrity of the information. The ledgers offer "point in time" information for ensuring that a dealer is acting lawfully in the operation of the business.

Ontario, the province whose CFO seems to have started this whole thing, has said very firmly that it does not plan or want to establish a provincial long gun registry, but it still thinks the green book system would be a good system to have.

• (1500)

What would be the result of ending the compulsory ledgers? Let me quote the Chief Firearms Officer of Ontario, Superintendent Chris Wyatt of the OPP. He said:

If this regulation comes into effect, no one involved in a long-gun transaction with a business will have to produce a firearm licence or have it recorded.

They will not have to produce a licence, even.

May I have five minutes, colleagues?

The Hon. the Speaker *pro tempore*: Is five minutes granted?

Hon. Senators: Agreed.

Senator Fraser: Thank you very much.

That is not an element that the committee pursued, but it is an arguable interpretation of the regulation as drafted, since it says that a gun dealer cannot be required to collect information with respect to the transfer of a non-restricted firearm. You could argue that a person might not have to produce a licence, and there are also arguments to be made that under Bill C-19 a merchant does not actually have to demand to see the licence.

Anyway, that one will remain to be straightened out.

Superintendent Wyatt went on:

With the end of the ledgers there will also be no information on where a long gun came from or where it went.

Further on, he stated:

In Ontario, firearms business inspectors make sure that every firearm is accounted for during an inspection. Very few are found to be missing or stolen, and those that are found are reported to the police and entered on CPIC. This high level of accountability protects the public in a way not possible if this regulation does away with the ledgers.

Finally, he said:

I believe the elimination of the ledgers will result in more firearms being sold by businesses to criminals and unlicensed persons.

Honourable senators, we all know that it is only a tiny fraction of the population that gets involved in crime, and that is as true when we are looking at the matter of guns as it is in the case of any other crime, but it is because of that tiny fraction that society has to establish protections for itself. That is why we have the Criminal Code: because a few people will commit crimes.

The same will be true of a few people involved in the buying or selling of guns. That is just human nature. The knowledge that their transaction was being recorded by the merchant would be a disincentive to people who wanted guns for less than honourable purposes. That disincentive may now disappear.

Most merchants, we were told, being law-abiding persons eager to help ensure the safety of the public, will voluntarily continue to maintain the ledgers, for their own inventory control, if nothing else. However, what about the tiny fraction of gun dealers who see the opportunity to make rather more cash than they might running entirely legitimate businesses? Things may not be so great there.

Honourable senators, these ledgers incur no cost to the purchaser or owner of a gun. They incur no cost to the taxpayer. There is no inconvenience to the buyer or owner of a gun, other than to have to spend a few seconds at the time of purchase providing the information about where they live, what their name is and what their licence is. It is such a simple system. I cannot for the life of me fathom why the Government of Canada does not want to continue with it.

Hon. Consiglio Di Nino: Honourable senators, I have a brief question, if I may.

I am not sure the honourable senator covered it. I was trying to listen.

Senator Fraser: You listened; you caught me out.

Senator Di Nino: I recall that Minister Toews stated more than once that there was nothing prohibiting the provinces, if they wished, from setting up these gun registries. Is that correct?

Senator Fraser: Again, I would draw the distinction between “registries” and “ledgers.” If a province wishes to set up its own gun registry, it can do so. The only one that has indicated any interest in doing that is the Province of Quebec, and I purposely did not go anywhere near that topic in my remarks about the ledgers.

Senator Di Nino: I do not blame you.

Senator Fraser: It is the other provinces that do not want to get into the business of registries that do want to maintain the compulsory ledgers.

The way the law works is that most chief firearms officers are actually members of the RCMP, except in the large provinces. Even for those who are not, their authority is established under the federal Firearms Act.

Therefore, what Mr. Toews says is very important; it will determine what happens.

(On motion of Senator Runciman, debate adjourned.)

OMAR KHADR

INQUIRY—DEBATE CONCLUDED

Hon. Roméo Antonius Dallaire rose pursuant to notice of June 21, 2012:

That he will call the attention of the Senate to the case of Omar Khadr, the first person to be prosecuted for war crimes committed while a minor, and further call on the Senate to demand his repatriation without further delay.

He said: Honourable senators, before I get into the substance of my remarks, because we were talking about forgotten wars or conflicts where we suffered quite a toll, I bring to honourable senators’ attention, if I may, this month’s *Legion Magazine* and the raising of the Dieppe Raid, which happened on August 19, 1942. August 19 will be the seventieth anniversary, and I have seen no activities being planned for it yet.

Of the 5,000 troops who went across the shores, 982 were killed, 586 were wounded and 1,946 were held prisoner. That is called a catastrophic destruction of a force. It was a terrible lesson learned that the inexperienced Canadian army acquired at the expense of its troops, and that lesson should never have to be relearned by having inexperienced troops and having inexperienced commanders planning complex missions such as that.

This brings me to the subject of my inquiry, Omar Khadr, the first person to be prosecuted for war crimes committed while a minor, and further call on the Senate to demand his repatriation without delay.

When I was medically released from the forces and handed in my uniform, I felt a little *dépourvu* of dress. I attended the International Conference on War-Affected Children, where I presented a paper, and I was given the opportunity to work for the minister of international development on war-affected children. From then on I decided to wear as a uniform a tie

that would represent an NGO that is involved with war-affected children. Today, I am wearing not one that is defending gay rights, but one that is reflecting Save the Children. UNICEF and Save the Children have been the two prominent NGOs that have been working on rehabilitating and reintegrating child soldiers in conflict zones around the world. When I was in Sierra Leone in 2001 demobilizing a number of these child soldiers, those NGOs were by far the most effective and the ones that produced the best results in attempting to move these children back into a reasonable life.

Honourable senators, I am rising now to put on the record the case of the only child soldier prosecuted for war crimes.

Canada has been the world leader in drafting and promoting the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, specifically addressing child soldiers. This convention entered into force in 2002 and has been signed by 130 countries.

That same year, Canada again led the charge in developing that optional protocol, and now 150 countries have signed to it.

This protocol prohibits the use and recruitment of children under the age of 18 in armed conflict.

• (1510)

The Optional Protocol led to the drafting of the Paris Principles, which clearly established the definition of a child soldier. I have read this definition in the chamber previously, but I wish to do so again simply to remind us:

Any person under 18 years of age who is compulsorily, forcibly or voluntarily recruited —

Of course, in conflict zones, the term “voluntary” is questionable.

— or used in hostilities by any kind of armed forces or groups in any capacity, including, but not limited to, soldiers, cooks, porters, messengers, sex slaves, bush wives and those accompanying such groups. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, refer exclusively to a child who is carrying or has carried arms.

Imagine, honourable senators, that you are a 13-year-old boy. For your whole life your family has moved around, never settling for very long. You live in a culture where your father is never questioned. If he says “Jump,” you ask “How high?” No matter what he asks you to do, you comply. You are barely an adolescent; you cannot fully grasp the meaning or consequences of your tasks. You live in a country where armed conflict surrounds you. Listening to your father is, in fact, your survival.

Your father sends you to live and work with his associates. He tells you to stay there and to listen to what you are told. As you are working one day, the compound you are in comes under attack by U.S. Special Forces. In the firefight frenzy, you are shot

three times. Then you are wrenched from the rubble and accused of killing an American soldier. It is 2002, you are 15 years old, and your name is Omar Khadr.

To produce a professional soldier, the minimum standard in NATO is about one year. That is a basic infantryman. To produce a Special Forces soldier, the minimum time and experience is four years of service, plus up to another year to year and a half of special training.

This compound was first, as we say, softened up by air attacks, bombed by 500-kilogram bombs from the air, and then assaulted by a full-fledged Delta Special Force, which Omar Khadr finds himself in the middle of.

Today, honourable senators, I speak about the case of Omar Khadr, a Canadian citizen and former child soldier currently held in prison at Guantanamo Bay. It is my intention to speak about the nightmares this now man has suffered, the failures of our government to protect him, and the immediate necessity for this government to sign the transfer agreement and bring Omar back home.

It is believed that during the firefight, Omar Khadr threw a grenade, killing Sergeant Christopher Speer, a Delta Force strategic forces soldier and special forces medic. He was sent to the Americans' notorious Bagram prison. Once identified, the Canadian government sought and was denied consular access.

In September 2002, Foreign Affairs sent a diplomatic note to the U.S. Department of State. The note made three points.

First, there was "ambiguity as to the role Mr. Khadr may have played" in the battle of July 27, 2002.

Second, Guantanamo Bay "would not be an appropriate place for Mr. Omar Khadr to be detained," since "under various laws of Canada and the United States," his age provided "for special treatment of such persons with respect to legal or judicial processes."

Finally, the diplomatic note went on to ask for "discussions between appropriate officials on Mr. Khadr prior to any decisions being taken with respect to his future status and detention."

In spite of our government's concerns, Omar was transferred to Guantanamo Bay, where he has remained a prisoner for the last 10 years. Despite the best efforts of the truth, what has followed in the last 10 years has been a nightmare for this ex-child soldier, a stain upon our society, and a fundamental reproach upon our respect for international law and conventions that we have signed.

We have since learned that after being hospitalized at Bagram, this seriously injured 15-year-old was pulled off his stretcher onto the floor and his head was covered with a bag while dogs barked in his face. Cold water was thrown on him; he was forced to stand for hours with his hands tied above his head and to carry heavy buckets of water to aggravate his wounds. He was threatened with rape, and bright lights were shone on his injured eyes. In fact, he has lost one eye.

We have learned that, while prepping him for American and Canadian interrogators at Guantanamo Bay, this boy was subjected to further tortures, such as extreme sleep deprivation and endless hours of standing up, designed to exhaust him. After being held without charge for three years, Omar is charged by the U.S. as an "enemy combatant" in November 2005 and put to trial through the Military Commissions Act.

[Translation]

During the 10 years that this nightmare has gone on, we have realized that the most serious violations of Khadr's rights have been covered up—violations of the right to due process, the right to protection from torture, the right to protection from arbitrary imprisonment, the right to protection from retroactive prosecution, the right to a fair trial, the right to confidential legal representation at the appropriate time and place, the right to be tried by an independent and impartial tribunal, the right to *habeas corpus*, the right to equality before the law and the rights stemming from the Convention on the Rights of the Child.

The status of child means that the person concerned is unable to understand the world into which he was thrown. The need to protect and take care of children has always been the code of humanity. The use of child soldiers is a violation of that code. The status of child soldier means that the person concerned is subject to the most atrocious form of indoctrination, to physical and psychological torture and to the most poignant mental poverty into which an innocent child can be thrust.

For too long, we have done nothing. We must remember that the substance of the Khadr case involves children's rights. In this type of case, we must demonstrate wisdom, compassion and a true willingness to take into account the overall context and remember that all children have inalienable rights, even if they or their families have done things of which we disapprove. These rights are meaningless if we respect them only selectively.

When the military commission in Guantanamo dismissed the charges on a technicality in June 2007, the Government of Canada could have exerted pressure to have Omar repatriated, particularly given the Kafkaesque possibility that the United States government would, as it had promised, appeal the decision before a tribunal that had yet to be set up.

I went to Washington to talk to members of Congress, the Senate and the State Department. They said that the only entity refusing to go ahead with Omar's departure was the Pentagon, backed by the Canadian government's lack of action.

From the outset, the U.S. administration adopted rules as the need arose whereas Canada's representatives shirked their responsibilities towards a citizen. The charges of murder, attempted murder, conspiracy, material support for terrorism and espionage under the Military Commission Act are reiterated in the appeal.

While Omar was waiting for his trial to begin in Guantanamo Bay, the Canadian courts studied his case. In May 2008, the Supreme Court of Canada ruled that Canada's representatives had violated Omar Khadr's rights, which were guaranteed by the Canadian Charter of Rights and Freedoms, when he was illegally interrogated in 2003.

• (1520)

The court ordered that the fruits of the interrogations sent to the American authorities be disclosed to Omar. Canada complied with the order to disclose the information, but it has done nothing to put an end to this nightmare.

In January 2010, once again, the Supreme Court of Canada concluded that the Government of Canada had continued to infringe Omar's rights under the Canadian Charter of Rights and Freedoms, finding that the treatment Omar was subjected to offended the most basic Canadian standards. The court stopped short of ordering the government to repatriate Omar, because of the Crown's prerogative over foreign affairs.

Therefore, the situation is focused specifically on the Crown.

Honourable senators, may I have an additional five minutes?

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Dallaire: The government sent a diplomatic note to the United States to ask the Americans not to use the fruits of the Canadian interrogation. This was nothing but a symbolic gesture that did nothing to compensate for the serious, fundamental violation of Omar's rights by Canadian agents.

In August 2010, Omar Khadr's trial started in Guantanamo Bay, even though he was a child soldier. He decided to plead guilty because he wanted a chance to live. Ultimately, he is the one who took responsibility.

[English]

Canada was intimately involved in the pre-trial plea deals and negotiations. In October 2010, Canada committed to return Omar to complete his sentence in Canada after he served one additional year in Guantánamo Bay.

On November 1, 2010, in the House of Commons, then Minister of Foreign Affairs Lawrence Cannon said that Canada will implement this deal; yet, eight months later, he was eligible to return to Canada and we have seen nothing from the government. Why the delay?

This government has turned what should have been a technical, bureaucratic decision into a political game, a political football. The Americans have held up their end of the deal. Omar Khadr has held up his end of the deal. The Americans have signed his release, dated April 16, so that the Canadian government can take him and incarcerate him in appropriate establishments in this country in order that he can receive, as other prisoners do, rehabilitation and reintegration into our society. Why is the Canadian government refusing to follow through on its word? If this is a political decision, what is the political impediment for bringing him here?

The U.S. government is not known for being soft on terrorism. The U.S. would never agree to transfer a detainee, especially to an ally, if they believed that that detainee was in any way a threat.

He will not be walking the streets; he will be going to a Canadian prison. Despite this, our government continues to stonewall the United States' efforts to return Omar Khadr to Canada. In fact, the Canadian specialist or technocrat in Washington refused to meet with the Americans to even start discussing the details of how to bring him back, under what means and under whose control.

The Minister of Public Safety tells us that the matter is under consideration. That is not a particularly good response. Perhaps, as Mr. Khadr's Canadian lawyers have said, the minister thinks that it has not been that long, but the minister has not been in Guantánamo Bay for a decade under less than appropriate conditions, even compared to our jails. The minister does not sit shackled to a floor waiting for the decision to return him to Canada. Khadr does.

There is a great deal of frustration in the American government towards Canada. Not only is the patience of our closest ally wearing thin, but the world has been watching Canada's missteps in this case. Just this month, the UN Committee against Torture in its report urged Canada to promptly approve Omar Khadr's transfer application. Canada's reputation as a defender of human rights continues to be sullied the longer this process and his detention in Guantánamo Bay continue. It is a simple fact of fulfilling a promise; you either sign the deal and you implement it, or you go against the deal and lose your credibility as being a fair negotiator with your closest ally.

As Omar Khadr's defence lawyer put it last week in a press conference:

The United States and Canada are supposed to be the good guys. We're supposed to be the people that the other places in the world who are looking for freedom look at for how things are supposed to be done the right way. We're supposed to stand for human rights, dignity and the rule of law. The cornerstone of the foundation on which the rule of law is built is honouring your agreements.

Canada must honour the agreement it has with Omar Khadr and return him immediately to Canada. There are all kinds of planes waiting to bring him back. There is a whole program already in place through the university in Edmonton where he has already commenced his rehabilitation while incarcerated in Guantánamo Bay.

There can be no doubt, and I conclude, that the case of Omar Khadr taints this government, this country and all of its citizens. Our credibility in attempting to extricate, demobilize, rehabilitate and reintegrate child soldiers, as I recently was doing in the Congo and South Sudan, is affected by the fact that we are not playing by the rules that we have instituted and want other people to play by. They are not stupid. They know we are not playing by the rules. It was put into my face that the Khadr case is an example where we sign the papers, we even make deals with our allies, but we do not have the guts to implement them.

Hon. Consiglio Di Nino: Honourable senators, I know we have too little time, so I will make a couple of comments in debate.

Senator Dallaire and I have had differences of opinion on this for a number of years. It is out there in the public, in Hansard, if one wants to see it. I think Senator Dallaire's comments are not

only very strong, they are inappropriate. I would just like to suggest that during my discussions in public, there has been a great deal of support for a position that says do not bring him back. I was actually surprised by that, for a number of reasons. The fact that his family publicly continues to chastise Canada in effect suggests that we are not a good country. That is not helping his cause.

The honourable senator just referred to him as a "now man"; he has been a man, an adult, for a lot of years. I have yet to hear this man express regrets. I have yet to hear this man express remorse. I think it would go a long way for Canada to be more accepting if, now that he is an adult, he would say at least, "I did not know what I was doing. What I did was wrong." He has not done that yet.

The Hon. the Speaker: We were on debate. If there is a question of Senator Di Nino or a comment, that is permitted.

Senator Dallaire: I have taken it as a question.

The Hon. the Speaker: Let me clarify it again. Senator Di Nino was speaking on debate. He has concluded his debate, but there is time for questions and comments on Senator Di Nino's time.

Senator Dallaire: I would like to ask a question of Senator Di Nino.

• (1530)

We have been on different sides of this question. Senator Di Nino is right that we do not like the politics of the family, and he is right that Omar Khadr is now an adult. However, because one does not like the politics of the family that does not permit us to play against the fundamental rules of law and the conventions we have signed.

We recognize that Omar Khadr was a child soldier. We even had people down there at the start to pull him out and then changed our tune. That was the previous government. However, the current government just reinforced it, so no one is any smarter on either side on this issue. I am trying not to be political.

However, even if the Canadian people do not agree with it — and it is about 53 per cent right now — the law is the law. We signed a deal. We agreed to do this but we are not.

The honourable senator is saying Omar Khadr has not expressed remorse. No one has told me why the government is not doing it. I keep hearing that we are reviewing and are in continued discussion. There is no legal reason for not implementing the process. The Americans want to get rid of him. The first question is why are we not doing that?

The second question to follow up on with regard to Omar Khadr and the case is he has been under significant rehabilitation already. If one queried his lawyers while they were here, both Canadian and American, he has demonstrated remorse at having found himself as a victim in the middle of a war and, as such, has been working extensively in trying to reintegrate himself into Canadian society by learning many subjects which university academics support.

[Senator Di Nino]

I would argue that he has gone a fair distance already. Why have we not?

Senator Di Nino: Honourable senators, first, frankly, do not give a hoot about the politics of the family. I never said such a thing.

I said that I do not appreciate the public comments made by the mother and the sister, in effect calling our country names. Derogatory remarks about my country. A country I chose to come to.

Some Hon. Senators: Hear, hear!

Senator Di Nino: I said "yes" when someone asked me, "do you want to be a Canadian?" I am very proud of that.

I am not speaking about the politics of the family. There are comments that family members have made about my country, Canada, which are unacceptable.

As far as I am concerned, I have heard nothing to make me believe that Mr. Khadr does not share exactly the same opinions and, frankly, if he believes that Canada is not a country that he should live in, then we should not let him back in.

Senator Dallaire: I am not sure what planet the honourable senator is operating from in this case.

Some Hon. Senators: Oh, oh!

Senator Dallaire: I am being personal because, whether one calls it politics or the expression of people, we are playing with words because the family is unacceptable to us.

I was born overseas. My mother was a war bride and my father fought in the war. We have a stake in this country. My family arrived here in 1656. I am as proud, surely, of this country as Senator Di Nino.

However, what the family says and does has nothing to do with the law and the application of it and the deals we signed and the credibility of that same country he is defending.

The credibility of that country is the following: We signed a deal and we said to sentence him to eight years. He said he was guilty. He has been in rehabilitation. He has, in fact, already demonstrated a willingness to reintegrate into society and has been taking action while in prison, while shackled to the floor, after nearly 10 years in jail, and he has still not turned against Canada. He wants to come back here.

In that context and following the law, the Americans played their side of the deal. We have prisons galore and are going to build more, so why not bring him home? Throw him in jail and wait the seven years.

Senator Di Nino: I have not heard Mr. Khadr at any time express sentiments of regret or show any sign of remorse. That would go a long way to making me think this way.

Second, our country is acting within the law. They said they have and they are. These are complex issues and they take time. We are not a country that acts outside the law.

Finally, we will disagree on this issue, and that is fine. However, if the senator has any influence on the young man, if he got up and said, "Canada, please forgive me," it may go a long way to changing the minds of many Canadians like me.

Hon. Michael Duffy: Honourable senators, I had not planned to get into this, but it is time to set the record straight.

Dr. Michael Welner, American's leading forensic psychiatrist, asked Omar Khadr what the worst physical torture was that they did to him while he was in Guantanamo. The doctor brought along a video camera to record the whole conversation. All eight hours are on tape. Was he water boarded, electrocuted and chained to the floor? He is suing the Canadian government for millions of dollars.

According to Dr. Welner, all Khadr could come up with as an example of physical torture was when the Red Cross came to make sure he was being taken care of, the Red Cross insisted he be weighed. Khadr resisted and wriggled around and cried out as the guards put him on the scale. That is it. That is the extent of the torture.

He shouted in Arabic as he entered the area to be weighed that it was all just for show and that they should not be worried about it.

That is it. Omar Khadr.

Senator Dallaire: I would like to ask a question of Senator Duffy.

Omar Khadr was 15 years old, had been in a firefight, had been shot three times, lost an eye and been tortured. In fact, one of the people who was in the jail before he was moved to Guantanamo Bay has been prosecuted subsequently because he killed one of the prisoners. Then Omar Khadr ends up in Guantanamo Bay and people are starting to offer him opportunities, to maybe see the future and he is grasping at straws. Is that young man still fully stable, cognizant of what he is saying, not under duress by the incarceration in that jail to start with? In fact, there were processes by which people were coming to say that they were there to help him but were interrogating him was proven in the Supreme Court.

Senator Duffy: We do know this, honourable senators: Khadr is a racist and sexist, calling a Black woman guard a "slave" and a "bitch." I think his actions speak for themselves.

Some Hon. Senators: Oh, oh!

Senator Dallaire: My subsequent question to that is, has Senator Duffy never had a bad day? Has the honourable senator never been pushed to the brink of saying something that might be a little foolish? Has he never been in that type of condition and been brought to the limits of wanting to react, not getting the

medication to control his emotions, and something like that is said and he is going to take that as cash in order for the Canadian government not to implement the deal that it has committed itself to? Come on.

The Hon. the Speaker: There being no further debate on this inquiry, it is considered debated.

(Debate concluded.)

BUSINESS OF THE SENATE

EXPRESSION OF THANKS AND GOOD WISHES

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, just before we suspend for the vote later today, and because we are at the end of the spring and early summer sitting, I want to take the opportunity to thank Your Honour, the Clerk and the table officers, the reporters, the pages and all the Senate staff, both administrative and protective, for the great service they have provided to all senators over the past six months. Of course, many of them will continue their work over the summer.

• (1540)

Most of us will not be back here until September. I want to take this opportunity to thank them and to say to my colleagues on both sides that it has been a very long session, with vigorous debate — sometimes problematic. However, at the end of the day, we do get our work done, we do achieve our objectives, and, no matter what side of the aisle we sit on, we all must know that we are so fortunate to live in the best country in the universe. It is important that we reflect on that, as we look at the situation around the world and what our global neighbours face daily.

I wish all senators a very nice summer and a very happy Canada Day on Sunday.

I also want to again bid a fond farewell to Senator Di Nino, Senator Angus, Senator Cochrane and Senator Poy. One, unfortunately, has no choice in the matter, and both Senators Di Nino and Poy have decided to take leave of this place before they were required to do so, which I think some people would agree is an admirable thing.

I again want to thank every one of my colleagues, especially, for their support. This is a great team and I could not be even half as effective if I did not have the support of each and every one of my colleagues on this side, most particularly, my deputy leader, Claude Carignan; our whip, Beth Marshall; and our caucus chair, Rose-May Poirier.

Even though people opposite do not realize it sometimes when we get into rather acrimonious debates, I do have the greatest respect for all the people who serve in the Senate of Canada. This is a unique group of people because, since Confederation, there have been fewer than 1,000 of us who have had the privilege of serving in this great chamber.

Happy Canada Day, happy summer, and we will see you all back here in September.

Senator Cordy: Happy birthday to you!

Senator LeBreton: On the fourth of July. They have this big party for me every year south of the border. Thank you and happy birthday to you, Senator Cordy.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I wish to associate myself with Senator LeBreton in thanking people for what they have been through and what they have done in the last while.

I want to thank His Honour for his patience and wisdom, and the calming influence that he has had on us from time to time when we have been a little out of hand. It is appreciated and we do acknowledge that today.

The Clerk and the table officers constantly demonstrate the expertise we need in keeping us, for the most part, on the straight and narrow, from a procedural point of view at least.

To the Senate Debates staff, the transcribers and all the pages, we do know the hard work and the long hours that they put in and we appreciate that. I am always amazed at the ability of the Debates staff to report what we say into both of Canada's official languages and to make it readable the next day.

The security staff shows an unfailing professionalism and courtesy to us all on a daily basis. We should appreciate the fact that they make this a very safe workplace for all of us. That is not something we should take lightly.

We also often make unreasonable demands upon our own staff and they respond, for the most part, cheerfully and always willingly to the demands we make upon their time. We do not say it often enough, but we appreciate what they do for all of us.

To all honourable senators, I wish you a very pleasant summer. I hope you have a restful vacation over the summer and that perhaps we will return in the fall in rather better humour than we leave today.

The Hon. the Speaker: Honourable senators, is it agreed that we will stand suspended until the call of the bells at 5:15 for the ordered vote at 5:30?

Hon. Senators: Agreed.

The Hon. the Speaker: Should honourable senators in the meantime not be able to leave this Centre Block, in light of the fact that we are celebrating the two hundredth anniversary of the War of 1812 this year, they will see on the south pillar to the right, beside the coat of arms of the Crown of England, two facial figures. The one on the left is General Wolfe and the one on the right is General Brock. In the spirit of the success of General Brock, if you come by the Speaker's quarters, you may not be disappointed whilst we wait.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

THIRD READING

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Buth, seconded by the Honourable Senator Doyle:

That Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, be read the third time.

Motion agreed to and bill read third time and passed on the following division:

YEAS THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Meredith |
| Angus | Mockler |
| Ataullahjan | Nancy Ruth |
| Boisvenu | Nolin |
| Brown | Ogilvie |
| Buth | Oliver |
| Carignan | Patterson |
| Comeau | Plett |
| Dagenais | Poirier |
| Di Nino | Raine |
| Doyle | Rivard |
| Duffy | Runciman |
| Eaton | Segal |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | St. Germain |
| Johnson | Stewart Olsen |
| Lang | Tkachuk |
| LeBreton | Unger |
| MacDonald | Verner |
| Maltais | Wallace |
| Manning | Wallin |
| Marshall | White—49 |
| Martin | |

NAYS THE HONOURABLE SENATORS

| | |
|------------------|--------------------------|
| Callbeck | Hubley |
| Campbell | Jaffer |
| Chaput | Kenny |
| Charette-Poulin | Mahovlich |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |
| De Bané | Munson |
| Downe | Ringuette |
| Dyck | Robichaud |
| Eggleton | Smith (<i>Cobourg</i>) |
| Fairbairn | Tardif |
| Fraser | Watt |
| Furey | Zimmer—31 |
| Hervieux-Payette | |

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

COPYRIGHT ACT

BILL TO AMEND—THIRD READING

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Greene, seconded by the Honourable Senator MacDonald:

That Bill C-11, An Act to amend the Copyright Act, be read the third time.

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|------------------|-------------------------|
| Andreychuk | Meredith |
| Angus | Mockler |
| Ataullahjan | Nancy Ruth |
| Boisvenu | Nolin |
| Brown | Ogilvie |
| Buth | Oliver |
| Carignan | Patterson |
| Comeau | Plett |
| Dagenais | Poirier |
| Di Nino | Raine |
| Doyle | Rivard |
| Duffy | Runciman |
| Eaton | Segal |
| Fortin-Duplessis | Seidman |
| Frum | Seth |
| Gerstein | Smith (<i>Saurel</i>) |
| Greene | St. Germain |
| Johnson | Stewart Olsen |
| Lang | Tkachuk |
| LeBreton | Unger |
| MacDonald | Verner |
| Maltais | Wallace |
| Manning | Wallin |
| Marshall | White—49 |
| Martin | |

NAYS
THE HONOURABLE SENATORS

| | |
|-----------------|-----------|
| Callbeck | Hubley |
| Campbell | Jaffer |
| Chaput | Kenny |
| Charette-Poulin | Mahovlich |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |
| De Bané | Munson |
| Downe | Ringuette |
| Eggleton | Robichaud |
| Fairbairn | Tardif |
| Fraser | Watt |

Furey
Hervieux-Payette

Zimmer—29

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, is it agreed that the house will suspend to the call of a five-minute bell in order to await the message for Royal Assent? We expect that to be in about 30 minutes.

Hon. Senators: Agreed.

(The Senate adjourned during pleasure.)

• (1830)

(The sitting was resumed.)

[*Translation*]

ROYAL ASSENT

The Hon. the Acting Speaker: informed the Senate that the following communication had been received:

RIDEAU HALL

June 29, 2012

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 29th day of June, 2012, at 6:15 p.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Friday, June 29, 2012:

An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan (*Bill C-23, Chapter 18, 2012*)

An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures (*Bill C-38, Chapter 19, 2012*)

An Act to amend the Copyright Act (*Bill C-11, Chapter 20, 2012*)

• (1840)

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 25, 2012, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned to Tuesday, September 25, 2012, at 2 p.m.)

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Omar Khadr

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